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UNITED STATES
BUREAU OF INDIAN AFFAIRS

In the Matter of the:

**PUBLIC SCOPING MEETING FOR AN
ENVIRONMENTAL IMPACT STATEMENT (EIS)
FOR THE CAYUGA INDIAN NATION TRUST
LAND APPLICATION.**

Public Hearing in the above-matter conducted at the New York
Chiropractic College, Athletic Center, 2360 State Route 89,
Seneca Falls, New York, Wednesday, March 1, 2006, at 6:30 p.m.

APPEARANCES:

U.S. BUREAU OF INDIAN AFFAIRS (BIA):

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Regional Environmental Scientist
THOMAS BLASER, ESQ., Attorney Advisor

LEROY CLIFFORD, Environmental Protection Specialist

JOHN FEINGOLD, Eis Contractor
Vice-president, AKRF,
White Plains, New York

For the Applicant:

CLINT HALFTOWN, Federal Representative
of Cayuga Nation

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Court Reporter

INDEX :
SCOPING HEARING – 3/1/06 , Seneca Falls, NY

<u>Order of</u> <u>Speaker</u>	<u>Speaker</u>	<u>Description</u>	<u>Page</u>	<u>Submission</u> <u>Number</u>
1	Clinton Halftown	Cayuga Nation	4	1
2	John Feingold	AKRF, Consulting	10	
3	Ken Lynch	NYS DEC, 7 Director	22	
4	Robert Shipley	Seneca Co. Board of Supervisors	25	2
5	George Fearon	Chairman, Cayuga Co. Legislature	28	3
6	Michael Nozzolio	NYS Senator	30	4
7	Peter Same	Town of Seneca Falls, Supervisor	34	5
8	Brad Jones	Seneca Falls resident	37	6
9	Gerald Maculoso	Seneca Falls Schools, Superintendent	39	7
10	David Dresser	Seneca Co., Board of Supervisors	41	8
11	Robert Halden	Landowner	43	
12	Richard Tallcot	Chairman, Upstate Citizens for Equality	45	9
13	Russell Wheeler	Upstate Citizens for Equality	48	10
14	Gary Padula	American Citizens Association	49	11
15	Chris Puylara	Seneca Falls taxpayer	51	
16	Marty Hilburger	LakeSide Trading employee	53	12
17	Rich Ricci	Fayette, NY	55	
18	Fred Swick	Seneca Falls resident	58	
19	Harry Pettingill	Historian, Seneca Falls	58	13
20	Ernie Olson	Teacher, Wells College	60	
21	Darrell Carter	Farmer, Cayuga County	62/100	14
22	Harry Eno	Seneca Falls, NY	65	
23	Judy Bachmann	Citizens Equal Rights Alliance	67	15
24	Cindy Schlegel	Small Business owner, Seneca Falls	69/101	16
25	Kristin Cox	Cayuga Co. Farm Bureau	73	17
26	Ralph Lott	Seneca Co. Farm Bureau	75	18
27	Bridget Holmes	Cayuga County resident	78	19
28	Edward Hide	Town Supervisor	81	
29	Mary Gratton	Town of Aurelius resident	82	
30	Norma Mitchell	Resident	82	
31	Mel Russo	Real estate broker	84	
32	William Shuster		87	
33	Peter Shuster	Farmer	87	
34	John Saeli	Town of Varick resident	89	
35	Ford Knight	Town of Fayette resident	91	
36	Daniel Babbitt	Seneca Falls resident	92	
37	Lucinda McWeeney	Town of Fayette resident	94	
38	Chad Hayden	Town of Aurelius resident	96	20
39	Ros Parks		97	
40	Richard Kidder	Seneca Falls resident	98	

* * *

1 - Public Hearing - 3/1/06 -

2 (The following occurred at 6:35 p.m.):

3 CHAIRMAN CHANDLER: I think it's about time to
4 go here. If everyone will take their chair?

5 Okay. Good evening. I am Kurt Chandler. I am
6 the Regional Environmental Scientist for the Bureau
7 of Indian Affairs. To my right, I have Tom Blaser,
8 Attorney Advisor for the Department of Interior in
9 Washington, D.C. Over here, we have Leroy Clifford,
10 Environmental Protection Specialist, Bureau of Indian
11 Affairs. And in a short time, we should have Randy
12 Tricky, a reality officer.

13 We are gathered here tonight, we are having a
14 scoping meeting for the Cayuga Indian Nation who has
15 applied to take land into trust. Taking into trust
16 is a means that the Federal government holds the land
17 for their fair use and enjoyment. What it does is
18 that it makes the property tax free for the Nation,
19 and no one can take that property away from them.

20 So what we are doing here tonight is, this is a
21 procedure under the National Environmental Policy
22 Act, or NEPA, and the purpose of it is to determine
23 what we should be looking for as potential impacts to
24 the process.

25 Okay. The whole application only involves the

1 - Chandler -

2 transfer of the deed. Any actual potential project
3 going on right now, all it is is a transfer of that
4 property. So what we are looking for is what are the
5 potential impacts?

6 We will have a public comment period. And after
7 the public comment period today, we will ask you to
8 focus on what potential impacts we should be looking
9 at. That's the whole purpose of the meeting, to do
10 that. I appreciate it. Some people want to talk
11 about, you know, a lot of different things. But
12 please, keep your comments to what the EIS should be
13 looking for now.

14 When the people do comment, I would like you to
15 come up to the podium, state your name and
16 affiliation, spell your last name. And if you have
17 any written handout, would you hand them to the court
18 reporter here at the table right here. That way, we
19 can make sure you get your name correct.

20 Now, if you want, if you have not signed up, you
21 know, you're free to sign up. If you haven't signed
22 up, this is your chance to comment.

23 Now, there will be another comment period, okay.
24 Right now this is scoping. Okay. From scoping, we
25 will have an analysis of the impacts, and from that

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we will produce a report called the Draft Environmental Impact Statement. Now when that's produced, we will have another public comment period. We will have 45 days. At that time, you can send written comments to the BIA. And we will have a meeting. And at that meeting you will have another comment period where you can, during that meeting, you can tell us what you like or don't like about the Draft Environmental Impact Statement.

Okay. Now the Applicant has a right to make a statement for public record, and I will be inviting him up right now to speak. His name is Clinton Halftown from the Cayuga Indian Nation. Please give him respect and honor. And he is not held to three minutes like everyone else will be. This is the Applicant statement. Would you come up, Mr. Halftown?

MR. CLINT HALFTOWN: Okay. Hello.

CHAIRMAN CHANDLER: Turn the mike on.

MR. HALFTOWN: Okay. It's on now.

CHAIRMAN CHANDLER: Yes.

MR. HALFTOWN: Okay, thank you, Mr. Chandler.
EIS Staff, distinguished public officials and honored guests:

1 - Halftown -

2 Greetings on behalf of the Cayuga Indian Nation
3 of New York. As Mr. Chandler said, my name is Clint
4 Halftown. I am the Heron Clan representative to the
5 Cayuga Nation Council, and the Nation's federally
6 recognized representative. I am also the Nation's
7 council member charged with oversight of the LakeSide
8 Enterprises, the Nation's business operations, and
9 the repatriation of our lands.

10 I am glad you could be with us tonight to
11 provide comments on our Nation's application to have
12 its land -- about 125 acres of land -- placed into
13 trust with the federal government.

14 Okay. I am glad that you all could be here with
15 us tonight to provide your comments on our Nation's
16 application to have this land of about 125 acres
17 taken into trust by the U.S. Federal government.

18 I have not actively encouraged a huge outpouring
19 of support from our Nation members, our Nation
20 employees, or our valued customers, so that each
21 member here, could have the opportunity to speak. I
22 am sure you are also are aware that the Cayuga Nation
23 provides jobs for residents, payments to local
24 vendors, and value to our customers.

25 The Cayuga Nation's application to have its land

1 - Halftown -

2 taken into trust is a right granted to us by the
3 United States Federal Law. The Supreme Court
4 acknowledged that Cayuga Indians have that right when
5 they wrote a decision in the Sherrill case.

6 In providing your comments for our application,
7 you should base your opinion on the facts. Please do
8 not rely on some preconceived misconceptions of what
9 we are asking for, or what the substance of our land
10 into trust would mean for our Nation and our
11 communities on which the land sits.

12 First, we are a small Nation. Very small. And
13 the land in comparison to the other Indian nations,
14 even in comparison to other public and private
15 landowners in Seneca and Cayuga Counties. The Cayuga
16 Nation is comprised of less than five hundred
17 members. We are the direct descendents of the Cayuga
18 Nation whose aboriginal territory included Central
19 New York. The 1794 Treaty with the federal
20 government established a reservation for the Cayuga
21 Nation consisting of 64,000 acres in this area. For
22 the past 25 years, we have been attempting to resolve
23 this issue, our land claim. Our land claim with the
24 State of New York has yet to receive any land in
25 which we are entitled to. All of the land in which

- Halftown -

1
2 we are seeking to place in our trust was purchased on
3 the open market by our Nation for fair market value.
4 These 125 acres of land we had to purchase is but a
5 tiny fraction of the land we were granted by the
6 Treaty of 1794 with the United States. We bought
7 this land because our Nation seeks to return to its
8 aboriginal homelands, homelands which remain
9 historically and culturally significant to our
10 people.

11 As many of you know, the Nation currently
12 operates two gas stations/convenience stores, along
13 with a car wash in Seneca Falls and Union Springs.
14 Until recently, the Nation had operated two Class II
15 gaming facilities on these lands. We have
16 temporarily suspended these operations of the gaming
17 facilities.

18 All of these business activities have been
19 operated successfully for the past three years
20 without incident and have been very popular with our
21 customers. We do not believe that the taking of this
22 land in a trust will have an adverse effect for the
23 environment.

24 And for those of you who have the mistaken
25 impression that Nation has not paid its real estate

1 - Halftown -

2 taxes, I would say two things: First, the Nation's
3 real estate taxes have been paid. In fact, the BIA
4 will tell you the land cannot be taken into a trust
5 without these taxes being paid.

6 Secondly, perhaps -- perhaps you have thought
7 that many landowners in Seneca and Cayuga Counties --
8 many of whom own more land than the Nation does, do
9 not pay taxes or have agreements to pay much less in
10 taxes than we might pay. And in fact, there are
11 about a dozen properties in Cayuga/ Seneca County
12 that are exempt from taxes. And a cursory search of
13 a tax registry reveals three dozen properties
14 totaling some 900 acres, a combined assessed value of
15 one hundred million dollars which are wholly exempt
16 from taxation resulting from a loss of revenue to
17 these counties.

18 The next misconception you might have heard
19 about is that the taking of land into trust will
20 create what has been called a patchwork or
21 checkerboard effect. This is not true either. If
22 you look at the materials, you will see that many
23 acres we are talking about, and where the property
24 is, first of all, the fact is that we are only
25 considering asking or taking 125 acres of this

1 - Halftown -

2 property. Second, our properties are not scattered
3 all over. And third, we have been creating or
4 operating our businesses and gas stations,
5 convenience stores, and gaming facilities for the
6 past three years without an incident. We have been
7 friends to the communities which host our businesses,
8 and these businesses have been popular with the
9 public.

10 The last, and I mean the last, and perhaps the
11 most important thing you should know is that the
12 Cayuga Nation wants to be accepted and be a welcome
13 citizen in this community. We have publicly offered
14 to sit down with the elected officials in Seneca and
15 Cayuga Counties and to work out an economic
16 partnership. Our door has always been open, but
17 frankly, we have found little interest -- or no
18 interest on the part of your public officials.

19 We know that gaming is controversial, and that
20 it has been a matter of controversy within our
21 Nation. Indian gaming is a matter of federal law. I
22 am the one responsible for the management of our
23 Nation's gaming facilities because I am the Nation's
24 federally recognized representative as well as a
25 member of the Cayuga Nation council in charge with

1 - Halftown -

2 the management of our enterprises, and representing
3 the interests of the Cayuga Nation in its application
4 because the taking of our lands into a trust is also
5 a matter of federal law.

6 On behalf of our Nation members, we urge you
7 support this application. Thank you. Clinton
8 Halftown.

9 CHAIRMAN CHANDLER: Thank you, Mr. Halftown. At
10 this point we will be having a presentation by John
11 Feingold, from AKRF. I ask you to explain what the
12 application is all about.

13 MR. FEINGOLD: Good. Before I start, I just
14 want to ask whether the screen is legible to you all
15 or whether we need to turn some lights down to be
16 able to read it? Is it okay?

17 AUDIENCE VOICE: I can't read it from here.

18 MR. FEINGOLD: Okay. We will turn the lights
19 down then.

20 Great. Thank you very much. My name is John
21 Feingold. I am with the third-party private planning
22 consulting firm called AKRF from White Plains, New
23 York. And we have been retained working with the BIA
24 in the development of the Environmental Impact
25 Statement for the proposed action. And as Kurt said,

1 - Feingold -

2 we are here tonight because the Cayuga Indian Nation
3 proposes to place its land, about 125 acres that it
4 currently owns, into federal trust. And as was
5 mentioned, if it's approved, the BIA, the Federal
6 agency, would hold the land in trust for the use and
7 benefit of the Cayuga Indian Nation.

8 In the decision-making process before making its
9 decision --

10 AUDIENCE VOICE: Just a minute, sir. Please,
11 may I, I can't read it. I am sitting here in the
12 second row. How about the people in the back, can
13 you read it?

14 AUDIENCE VOICE II: Yes.

15 AUDIENCE VOICE: Okay. Sorry. My glasses, I
16 guess I have to check.

17 MR. FEINGOLD: What I will do is I will try to
18 read most of the words that I project on to the
19 screen for those of you who may have trouble reading
20 it yourself.

21 CHAIRMAN CHANDLER: I appreciate it.

22 MR. FEINGOLD: Before making its decision, the
23 Bureau of Indian Affairs must prepare an
24 Environmental Impact Statement, EIS. So if I use the
25 term EIS, that's what it refers to.

1 - Feingold -

2 The purpose of the Environmental Impact
3 Statement is to assess the environmental effects of
4 the Bureau of Indian Affairs taking these 125 acres
5 into trust.

6 And as I will be explaining further, tonight's
7 meeting is the scoping meeting. It's the meeting at
8 which we talk about the things that the environmental
9 impact statement ought to be evaluating.

10 The EIS is required under the National
11 Environmental Policy Act known as NEPA which has been
12 in effect since 1970. And it requires that federal
13 agencies consider the environmental issues of a
14 proposed project in federal agency decision-making.
15 So that the decision in this particular case is the
16 Bureau of the Indian Affairs' decision to take title
17 to the land of 125 acres currently owned by the
18 Cayugas. That's its decision because it has to make
19 a decision, it has to prepare an environmental impact
20 statement in this particular case.

21 And the EIS is the detailed study of the
22 potential environmental effects of the proposed
23 federal action on the human and natural environments.
24 And again, the federal -- it's the decision by the
25 BIA to accept title to the lands owned by the Cayuga

1 - Feingold -

2 Nation.

3 Typically, an environmental impact statement
4 contains a concise statement of the purpose and need
5 for the proposed action. Why the Cayugas are
6 proposing to do what is being proposed.

7 It also includes the description of the action,
8 and alternatives to the action. So the environmental
9 impact statement is a document that takes a look at
10 alternatives to what is being proposed, as well as
11 what is being proposed. So it looks at a range of
12 different ways that the Cayuga Nation might be able
13 to meet its particular objectives. The EIS also
14 contains a discussion of the effective environment,
15 and a discussion of the potential impacts of the
16 action on the environment. And it includes a
17 discussion of the mitigation of any impacts --
18 significant adverse impacts -- that are identified,
19 mitigation, those things that would be done in
20 addition to what is being proposed to reduce any
21 potential impacts that are adverse or significant
22 that would result from the proposed project.

23 The EIS process includes a couple of points for
24 public involvement. Kurt ran through these briefly.
25 I will run through them in a little bit more detail,

1 - Feingold -

2 in a little more detail. One of the first steps in
3 the development of the environmental impact statement
4 is scoping. It is what we are doing tonight. And
5 this is a public involvement process. The outcome of
6 tonight's meeting -- I should also mention and it's
7 in the handout material that I hope you all picked up
8 when you came in, that the public comment period that
9 we are involved in right now extends until March
10 15th. Written comments can be sent in or faxed, and
11 need to be received by the BIA by March 15th. And
12 the name and address and fax number are on the
13 hand-outs that are available up front. So, if you
14 would like to send a fax, additional materials, in,
15 please we urge you to do so. And please, do so by
16 March 15th, that is received by BIA, not postmarked
17 by March 15th.

18 The scoping session and the scoping comments
19 that are received are consolidated and summarized in
20 something called the Scoping Report, which would be
21 the next document that you see from the BIA that will
22 summarize the issues that are presented and discussed
23 here tonight, as well as those that are presented and
24 discussed in letters and faxes and so forth that are
25 received by BIA. That scoping report defines what

1 - Feingold -

2 issues and concerns are considered in the EIS.

3 The Draft Environmental Impact Statement then is
4 prepared, and is presented for public review. And
5 also as Kurt Chandler mentioned, there is a 45-day
6 public review period to the draft environmental
7 impact statement. That statement will be available
8 publicly in County centers, in the County office
9 buildings, it will also be on the website which has
10 just been established for this application. And if
11 anybody wants to see a copy, the BIA will be sure
12 that you're able to see it, if you need a copy.
13 There will also be a public hearing held during the
14 45-day public period of the review period at which,
15 after you have had an opportunity to look at the
16 Draft Environmental Impact Statement, we will have
17 another meeting like this, and this seems to be a
18 venue that accommodates a good number of people that
19 should be able to provide oral comment, as well as a
20 written comment period will follow. Based on those
21 comments that we receive, that the BIA receives from
22 the public and from agencies and different sources,
23 those will be taken into consideration. And the
24 final environmental impact statement will be
25 prepared. That includes responses to those comments.

1 - Feingold -

2 The final environmental impact statement then wraps
3 up the evaluation of the alternatives that are
4 considered to the proposed action, and identifies the
5 preferred alternative. And we don't know what that
6 is right now. But, that will be developed during the
7 environmental impact review process. And based on
8 the final environmental impact statement, the BIA
9 will base its decision and ultimately the decision
10 will be complimented.

11 Now, I wanted to talk about tonight's meeting so
12 we could get to the real heart of it. The scoping
13 process determines the range of environmental issues
14 to be included in the environmental impact statement
15 analysis. It identifies potentially significant
16 impacts that should be considered in the EIS, and it
17 also helps us eliminate issues that are not
18 significant or relevant. Things that are not
19 mentioned tonight are obviously things that you don't
20 think are significant or relevant. And it's a chance
21 for the BIA to listen to your concerns, and it's not
22 a debate. It's not a discussion at this point in
23 time. It's an opportunity for the BIA to hear from
24 you, what your issues and concerns are and what you
25 think ought to be evaluated in the assessment of the

1 - Feingold -

2 Cayuga Indian Nation proposal.

3 The EIS process has a number of different steps,
4 most of which I have already touched on here. But, I
5 wanted to emphasize the fact that we are at the very
6 beginning of the process. On February 13th, the
7 notice of intent was published in the Federal
8 Register, as well as in local newspapers in this area
9 which announced that the Cayuga Indian Nation had
10 proposed to develop an environmental impact
11 statement, and that a Scoping Meeting was going to be
12 held on March 1st. So we are at this early stage in
13 a much larger process of identifying alternatives to
14 the proposed action, inventorying the affected
15 environment -- potentially affected environment, to
16 conduct an analysis of the impact of the alternatives
17 on the environment, to think about and develop
18 mitigation measures to potential significant adverse
19 impacts, all of which will be wrapped up in the
20 document, the Draft Environmental Impact Statement,
21 which would then be followed by the public hearing,
22 public comment period, the Final Environmental Impact
23 Statement, and ultimately the Bureau of Indian
24 Affairs decision.

25 The types of issues that may be involved in this

1 - Feingold -

2 environmental impact statement include: What kind of
3 effects the proposal may have on local
4 infrastructure, on roads and traffic. How it might
5 affect municipal services at the county and town and
6 village levels, on like your fire department, police,
7 emergency services. How it might affect the fiscal
8 conditions of the county and the municipalities, and
9 affect the school districts in terms of property
10 taxes. As well as overall economic conditions in
11 terms of what the effects might be on tourism, jobs,
12 and other things like visitor spending. And to the
13 extent that there may be some effect on natural and
14 cultural resources, what might those be.

15 Just very quickly, to review what we are talking
16 about here, the Cayuga Nation owns approximately 125
17 acres. And we just to -- we are now in Seneca Falls.
18 And these properties are scattered. And as you can
19 see there is about 110 acres in Union Springs,
20 comprising vacant land, gas station and convenience
21 stores, car wash, and the gaming facility that has
22 been temporarily suspended.

23 About three acres in the Town of Springport, and
24 a tiny little postage stamp parcel, about 2,200 --
25 feet in Montezuma.

1 - Feingold -

2 And here in Seneca County, about 14 acres, they
3 currently are renting a gas station, convenience
4 store and running -- where the gaming facility has
5 been shut down temporarily.

6 And again in more detail, the largest parcel,
7 about 110 acres is in Union Springs. And that's
8 where I am sure you're familiar with where the car
9 wash and the convenience store and gas station,
10 gaming facility are located.

11 In Springport, just a small three acre,
12 approximately three acre field, in a residential
13 section.

14 And again this is in Montezuma, right off of the
15 Interstate, just about 2,200 acres -- just a very
16 small parcel -- 2,200 feet, I am sorry.

17 And in Seneca Falls, the approximately 14 acres,
18 that's the former campground area where the
19 convenience store is operating right now.

20 Now before we get to the public comment period,
21 I just wanted to run through, there are some ground
22 rules so that we could have a civil conversation
23 tonight, and so that everybody could have an
24 opportunity to speak, and so that the BIA must
25 effectively hear what you have to say. We have asked

1 - Feingold -

2 that all speakers and people who want to speak, sign
3 in. And if you haven't yet, we would like you to
4 have the opportunity to sign in, get your name on the
5 signup sheet. What we will be doing is call up
6 signed-up speakers, five at a time, so that we don't
7 have bunching up.

8 And each speaker will be given three minutes to
9 speak. And please try to keep your comments within
10 the three-minute period. We do have a timer who will
11 be timing you. Speakers will be called to the podium
12 in groups, as I mentioned. If you have a script or
13 written statement, please hand it to the
14 stenographer, in the middle of the room there.

15 Now we are asking for federal and state elected
16 officials to speak first. And when you get up to the
17 podium, please identify yourself, spell your last
18 name, if you have an affiliation, an organization,
19 group, group that you're associated with, please
20 state that. Please be respectful.

21 And just in the interests of time, please try
22 not to repeat what has already been said.

23 All comments are being taken on an equal basis
24 here. This is not -- it's not voting. In a way, if
25 we hear something said 300 times, it doesn't give it

1 - Feingold -

2 more weight even than something that's only said
3 three times. And we really mean that.

4 And lastly, if you wish to speak, again, a
5 second time, after everybody else has had an
6 opportunity to speak, you may do so. And if you
7 would like to do so, please let us know at the end of
8 your three minutes so we will call you up again at
9 the end, after everybody has the opportunity to
10 speak. We want to be sure that the BIA hears
11 everybody who wants to speak tonight.

12 So, there is coffee over in the corner there and
13 we will be here with you until the last person
14 speaks.

15 Now at this point, I would like to turn it back
16 to Kurt Chandler who will be the moderating the
17 public input speaking, the public testimony. And
18 speaking will be from the podium from the center of
19 the room there. And you will be -- facing our BIA
20 representatives in the front of the room.

21 CHAIRMAN CHANDLER: Thank you. Okay. One of
22 the other -- we have still to explain potential
23 cooperating agencies. Now, a cooperating agency is
24 another state or federal government agency that has
25 either technical expertise or jurisdiction over an

1 - Lynch -

2 action in this case. We believe that we have three
3 potential cooperating agencies that we have
4 identified as the State D.E.C., and the Seneca and
5 Cayuga County. And so at this time, because these
6 are potential cooperating agencies we would like to
7 invite them to come up and speak, beginning with the
8 State D.E.C. representative, it would be Ken Lynch.

9 MR. KEN LYNCH: L-y-n-c-h. Thank you, on behalf
10 of Commissioner Sheehan, I want to thank you for
11 providing me with the opportunity to present the
12 views of the New York State Department of
13 Environmental Conservation at tonight's hearing. My
14 name is Ken Lynch. I serve as a Director of the
15 Department Seven Region office. The Department takes
16 seriously its responsibility to implement the federal
17 laws delegated to it, as well as state laws which are
18 designed to protect and enhance the quality of New
19 York's environment. With those responsibilities in
20 mind, the Department appreciates this opportunity to
21 comment on such a complex environmental analysis as
22 the BIA must undertake regarding the land trust
23 application of the Cayuga Nation.

24 In addition to the issues identified by your
25 offices for analysis, we request that the Bureau of

1 - Lynch -

2 Indian Affairs could fully describe and analyze the
3 following issues within the National Environmental
4 Policy Act review for this application. The EIS
5 should analyze the potential impacts to state and
6 local jurisdictional authority. The purpose of state
7 and local environmental and health and public safety
8 laws are to protect human health and the environment
9 through uniform and systemic requirements designed to
10 insure certain activities are controlled in terms of
11 location, design, construction, operation,
12 maintenance and monitoring.

13 The EIS should also analyze the impacts to the
14 community, and the effects of having the parcels
15 separated by jurisdiction from the rest of the
16 community. By accepting the land into trust, the
17 patchwork of jurisdiction could potentially undermine
18 the sense of community for which people living in the
19 community have justifiable expectation.

20 Comment on environmental issues should analyzed
21 for the EIS. The proposed gaming related action
22 include effects on air quality, archeology,
23 historical and cultural resources threatened, and
24 endangered species -- and reasonably foreseeable
25 community impacts. Demographic trends. Energy

1 - Lynch -

2 resource use and change. Flood plain river, streams,
3 lakes, wetlands geology, seismic and mining.
4 Hazardous substances and wastes. Solid wastes.
5 Crime. And unique farm land. Protected, sensitive
6 and special management areas. Spills or releases.
7 Socio-economic issues. Storm water discharges.
8 Traffic issues. Waste water treatment and disposal,
9 and water quality, and water quantity. These issues
10 should be addressed in the EIS for this action.

11 The EIS should examine the potential effects for
12 reasonably foreseeable future growth and development
13 that would affect results in accepting the accepted
14 parcels into trust. It should analyze the assessment
15 and visual effects on identified local and regional
16 statewide sensitive receptors. As you know, NEPA
17 requires the lead agency to study, develop and
18 describe appropriate alternatives to recommend
19 courses of action. The EIS should identify and
20 analyze in detail comparable to the discussion of the
21 proposed actions, alternatives, one or more
22 alternatives to the proposed action. Specific
23 mitigation measures should be drafted by the lead
24 agency and analyzed for possible implementation to
25 address the direct and indirect, cumulative and

1 - Lynch -

2 disappropriative [sic] effects for the opportunity to
3 comment.

4 And the Department looks forward to receiving
5 your response, in a copy of the scoping report.

6 These issues will addressed more fully in the
7 written report, comments that the Department will
8 provide to the Bureau. Thank you again.

9 CHAIRMAN CHANDLER: Thank you. At this time I
10 would like to call up the Seneca County
11 representative, that of Robert Shipley.

12 MR. ROBERT SHIPLEY: Good evening. My name is
13 Robert Shipley. And I have the privilege as serving
14 as the chairman of the Seneca County Board of
15 Supervisors. On behalf of my colleagues, we welcome
16 the Department of the Interior to Seneca County this
17 evening.

18 We recognize the task that confronts your agency
19 in determining the fate of the Cayuga Nation's Land
20 into Trust application. Indeed, the Department has
21 great power regarding this decision. We respectfully
22 submit, however, that with great power, comes great
23 responsibility. This responsibility is not only to
24 our native American friends, it's also to the
25 landowners, business and future generations of our

1 - Shipley -

2 diverse community.

3 We understand that you are concerned with many
4 potential impacts in this process, including
5 environmental. We submit that the environmental is
6 more than just the natural resources of this area.
7 It is the culture, the values, the business climate,
8 and every other aspect of this community.

9 It is our position that the trust process should
10 not, does not, and cannot apply to populated
11 residential areas in the northeast. While we have
12 great respect for the Native American culture, we do
13 not believe that unfair competition with local
14 businesses, or special rights to gambling are
15 necessary -- are necessary to preserve any culture.

16 Furthermore, we do not believe the spirit of the
17 American equality should be circumvented to grant
18 special privileges based on race or ethnicity.

19 Certainly, our forefathers never envisioned that
20 a United States federal government agency would be
21 deciding or granting special privileges to operate a
22 nation within a nation, much less exempt from laws or
23 taxes.

24 Removing land owned by the Nation from local tax
25 rolls would have a significant adverse effect on our

1 - Shipley -

2 County. In our written response to the application,
3 we noted that our future losses are estimated at up
4 to \$3.75 million if the trust application -- if the
5 trust application is granted. Our issue is not about
6 past due taxes. Our fundamental concern is how our
7 residents can be held harmless in relation to the
8 taxes that will never be paid.

9 In addition, we believe that taking
10 non-contiguous lands in two separate counties into
11 trust will harm our community. The Nation's land
12 uses, particularly related to gaming, are
13 inconsistent with local land-use policies. Allowing
14 a checkerboard reservation will significantly affect
15 local services, increasing their costs. This cost
16 will not be borne by the federal government or the
17 Cayugas, but by the hard working residents of our
18 small communities.

19 Seneca County welcomes the Cayugas to live and
20 work here as our neighbors under the same rights and
21 responsibilities as any other members of our
22 community. Clearly the Cayugas can reestablish --
23 clearly the Cayugas can reestablish a presence in New
24 York and run successful businesses without
25 transferring properties to the United States, and

1 - Shipley -

2 putting others in a competitive disadvantage.

3 CHAIRMAN CHANDLER: Thank you.

4 MR. SHIPLEY: As Board chairman, it is my duty
5 to the residents of Seneca County to present our
6 County government's unified position regarding this
7 application.

8 CHAIRMAN CHANDLER: Thank you.

9 MR. SHIPLEY: Let the record show the Seneca
10 County Board of Supervisors opposes this application,
11 and strongly urges the Department of the Interior to
12 deny the Cayuga Nation's petition.

13 Thank you for your time.

14 CHAIRMAN CHANDLER: Thank you. What I would
15 like to call up, the representative from Cayuga
16 County.

17 MR. GEORGE FEARON: I was hoping you don't start
18 the time until I introduce myself. My name is George
19 Fearon. I am the chairman of the Cayuga County
20 Legislature. I want to thank the Bureau of Indian
21 Affairs for sponsoring this public scoping meeting.

22 The Cayuga Nation of New York application for
23 Land into Trust should be rejected for several
24 reasons: One significant problem with this
25 application is the fact that seven separate parcels

1 - Fearon -

2 under this trust application create four
3 non-contiguous islands. If more than one of these
4 parcels is placed in trust, the BIA will be sending a
5 message that it accepts checkerboarding.

6 Checkerboarding is contrary to the majority decision
7 of Sherrill versus Oneida. The Oneida Indian Nation,
8 as pointed out in the Sherrill decision says:

9 Checkerboarding causes disruptive practical
10 consequences. And if the BIA allows checkerboarding,
11 additional applications could reasonably be expected
12 from the Nation in ensuing years, and ad infinitum.

13 One solution for the BIA, is to totally reject the
14 current applications because there are four
15 non-contiguous locations involved. After being
16 rejected by the BIA, the Cayuga Nation of New York,
17 could then consider making an application for Land
18 into Trust for a single contiguous location. A far
19 easier way for the BIA to address the application by
20 the Cayuga Nation of New York is to grant the Land
21 and Fee status, rather than Trust status. Such a
22 decision by the BIA would help the Nation's
23 socio-economic needs. At the same time, it would
24 allow the necessary maintenance of zoning and other
25 regulations that currently protect the land and

1 - Fearon -

2 environment for the benefit of all in the area.

3 If the land were to be placed in fee status, the
4 counties could work with the Nation to enhance the
5 economic development of all, of the entire area. On
6 the level of the business playing field, the business
7 of the Nation could enjoy the same PILOT incentives
8 that are granted at start-up to significant
9 non-nation enterprises in the area. And in essence,
10 I contend that the vital functions of a state and
11 local government play an enormous role in addressing
12 forever issues such as protection of land, water, air
13 and archeological resources. Public services, such
14 as maintaining roads to all areas, can only be done
15 by state and local government, and such costs for
16 public services should be shared by all users.

17 CHAIRMAN CHANDLER: We have another -- so the
18 court reporter here -- I would like to call up
19 Senator Mike Nozzolio.

20 MR. MIKE NOZZOLIO: Thank you. I am New York
21 State Senator Mike Nozzolio. I welcome you to New
22 York State, my home county of Seneca, my home town of
23 Seneca Falls where I was born and raised and served
24 the New York State legislature for the last 24 years.
25 My home is now and always has been in the Cayuga

1 - Nozzolio -

2 Indian land claim.

3 I greatly appreciate the opportunity to speak
4 directly to you, and implore you to reject the
5 Cayuga's application for trust status as a matter of
6 law.

7 The Indian reservation, where one does not
8 exist. The answer from our collective community is
9 simple. Not here. Not now. Not ever. For almost
10 three decades, I have worked as an advocate, first on
11 the staff of Gary Lee, then as an elected
12 representative for the people of Cayuga and Seneca
13 Counties who, through no fault of their own, have
14 been living with the nightmare of losing their homes
15 and property to the Cayuga Indians who are suing for
16 land and money for something that allegedly failed to
17 take place two hundred years ago.

18 Throughout the years, I stood proudly with the
19 counties and taxpayers to oppose this land and money
20 grab of the Cayuga Nation, and the United States
21 Department of Interior in their attempt to coerce the
22 State of New York and local governments to create a
23 reservation. I have sought to do everything within
24 my power and authority as a New York State Senator to
25 support the Counties of Cayuga and Seneca in opposing

- Nozzolio -

1
2 the Trust application of the Cayuga Indians; and echo
3 loudly to you the counties' sentiments strongly
4 opposing this application because of its significant
5 detrimental impact to the area's tax base. Mr.
6 Halftown, and his representatives, will not pay real
7 estate taxes if you grant this application. It will
8 significantly strain local and state environmental
9 and zoning laws. It will create an unfair business
10 environment. It's going to create a confusion of
11 criminal law resulting in uneven justice.

12 I am going to be submitting my written
13 testimony, but I just simply ask you to accept this:
14 United States Federal District Court did not order an
15 Indian reservation be created for the Cayugas in New
16 York State. The United States Federal District Court
17 of Appeals has dismissed the Cayuga Indian land
18 claim. The United States Congress has refrained from
19 creating a Cayuga Indian reservation in New York
20 State even though the Congress has the power to
21 create one. When the federal courts and the United
22 States Congress refuse to establish directly through
23 the front door, the Bureau of Indian Affairs should
24 not establish indirectly through the back door. Do
25 not engage in back-door sovereignty.

1 - Nozzolio -

2 I am submitting for the record, also, my letter
3 in opposition to this. Also, a legislative
4 resolution adopted by the New York State Senate
5 calling for the United States Department of Interior
6 to specifically reject the application of the Cayuga
7 Indian Nation. It is my hope and prayer you will not
8 checkerboard the future of this region by
9 establishing an unfair and uneven system of law and
10 policies. I implore you to reject this application.
11 The New York State Senate implores you to reject this
12 application. Thank you very much.

13 CHAIRMAN CHANDLER: Okay. At this point in time
14 we are opening up to the public. Now, I would like
15 to remind you that we have three minutes per person.
16 Leroy over here has the timer. The time -- when your
17 time is getting close, make sure you wind it up.
18 When you hear that awful noise, make sure you pass
19 around to the next person.

20 Now, I am turning it over to P.J. Rafford [sic],
21 who will be calling out the names at this point.

22 [MS. RAFFORD] LIST MONITOR: The first five
23 speakers will be Peter Same. Brad Jones. Gerald
24 Macaluso. David Dresser. And Roberta Holden.

25 MR. PETER SAME: Yes.

1 - Nozzolio -

2 MR. LEROY CLIFFORD [Clock Monitor]: With regard
3 to the time keeper responsibilities, what I would
4 like to do is inform those of you who will be
5 speaking tonight, that when the clock gets down to
6 the one-minute mark, I will raise my hand. That will
7 indicate that you have one minute to summarize your
8 remarks.

9 MR. BLASER: If you don't get through all of
10 them, keep in mind that the submission of your
11 written comments will be submitted to the reporter,
12 and will be included in the scoping document. Thank
13 you.

14 MR. PETER SAME: I have got a couple seconds
15 now? My name is Peter Same. I am supervisor in the
16 Town of Seneca Falls. Our town and our county has
17 been opposed to the land claim of the Cayugas since
18 1980. The trust application we have before you is
19 just a mere extension of that claim. It was first
20 filed April 14th in 2005, less than three weeks after
21 the United States Supreme Court decided eight to one
22 in the Sherrill decision and told the Oneida Indian
23 Nation that it could not assert sovereignty over land
24 it owned in Madison and Oneida Counties. We do not
25 feel that the Bureau of Indian Affairs should grant

1 - Same -

2 sovereignty to lands in Cayuga County or in Seneca
3 County. In June 2005, the Second Circuit Court of
4 Appeals dismissed the claim of the Cayuga Indians of
5 New York and the Seneca-Cayuga Tribe of Oklahoma to
6 sovereign land in our counties, and now the Nation's
7 attempting to obtain sovereignty through the trust
8 process. The Second Circuit Court said in the major
9 opinion: "The Supreme Court's recent decision in
10 Sherrill -- City of Sherrill -- has dramatically
11 altered the legal landscape against which we
12 considered plaintiff's claims." We respectfully
13 suggest to the BIA that the landscape against which
14 it should consider trust application also has changed
15 with this decision

16 Areas identified for analysis in environmental
17 impact: Land water resources, traffic, air quality,
18 cultural, archeological resources, socio-economic
19 conditions, and public services. We are concerned
20 about property tax losses affecting our county, our
21 town, our schools. Sales tax losses that translate
22 into higher property taxes. Unfair competition with
23 business and charitable organizations. Health and
24 safety issues. Code enforcement. Law enforcement.
25 Environmental protection. Fire protection.

1 - Same -

2 Education and social service impacts. Land use.
3 Utility easements. Water and sewer infrastructure.
4 Hunting and fishing rights. And perhaps at the top
5 of the list: Gaming.

6 In the Sherrill decision, the Supreme Court
7 recognized these as disruptive practical consequences
8 of sovereignty. It stated: "A checkerboarding of
9 alternating state and tribal jurisdictions in New
10 York would seriously burden the administration of
11 state and local governments and would adversely
12 affect landowners in the area. And it went to say
13 that: "Little would prevent the Tribe from
14 initiating a new generation of litigation to free the
15 parcels from local zoning or other regulatory
16 controls that protect all landowners in the areas."
17 The Court also even referred to that in Cayuga
18 Nation's effort to avoid zoning regulations in the
19 Cayuga County Village of Union Springs, and stated
20 "the balance of interests supports continued zoning
21 jurisdiction."

22 Our town urges the BIA to heed the warnings of
23 the Supreme Court by imposing sovereignty on settled
24 communities such we have in Cayuga and Seneca
25 Counties. Although the land area the Cayugas now

1 - Same -

2 want to put into trust may not be large, the parcels
3 are not contiguous, and we are concerned about the
4 Cayugas growing their reservation once the land is
5 taken into trust. Thank you.

6 CHAIRMAN CHANDLER: Thank you.

7 MR. BRAD JONES: Good evening. My name is Brad
8 Jones. I am a resident of Seneca Falls, New York.
9 Please read along with me. You may have a copy of
10 this statement tonight I presented at Madison as well
11 as at the Oneida County BIA hearing, about a month
12 ago.

13 Regardless of your legislative priorities,
14 whether it be economic development, education, or
15 healthcare, everyone in this area must realize that
16 if the Indian nations are successful at putting land
17 into trust, funding for all these above initiatives
18 will disappear and this area will be become a
19 wasteland occupied by gambling parlors and social
20 service agencies.

21 Without a doubt, this is the most important
22 government issue facing us in upstate New York today.
23 And I call on all elected officials at both the state
24 and federal level to clearly and publicly state their
25 opposition to this process of placing land into

1 - Jones -

2 trust. The U.S. Supreme Court in the Second U.S.
3 Circuit Court of Appeals has made it perfectly clear
4 that non-reservation land does not have sovereign
5 Nation status and must pay taxes and follow
6 applicable laws just like everyone else. No one
7 should be allowed to violate this mandate by placing
8 lands into trust.

9 As a candidate -- as your candidate for Congress
10 in the 24th Congressional District, I am absolutely
11 opposed to allowing any Indian Nation to place land
12 in trust in this state. And I ask Congressmen
13 Boehlert and anyone else seeking this decision to
14 publicly declare, as I am doing today, their
15 opposition to this process. Congressman Boehlert
16 must do more than ask for hearings and to extend
17 deadlines. These gestures are meaningless if they do
18 not stop this process. As a voter in his district, I
19 need to know whether he is for or against Indian
20 Nations putting land into trust.

21 If elected, I will make stopping the land in
22 trust process my number one priority, and challenge
23 Congressmen Boehlert to clearly and publicly state
24 his position on this issue. He and every other state
25 and federal official need to publicly tell the

1 - Jones -

2 constituents of this district exactly what they will
3 do to uphold the rulings of the U.S. Supreme Court.
4 And to equally enforce the laws of this great land.
5 Thank you.

6 CHAIRMAN CHANDLER: Thank you.

7 MR. GERALD MACULOSO: Good evening. My name is
8 Gerald Macaluso. I am a superintendent of schools in
9 Seneca Falls, New York. The school district is the
10 Seneca Falls Central School District composed of the
11 region -- of Seneca Falls.

12 The question that is before the BIA tonight, as
13 well as in the future, is very simple. It's a
14 question of fairness. It has been spoken about by
15 previous speakers not only here but in other
16 locations. It's a question of fairness. Not to what
17 occurred two hundred years ago, we cannot correct
18 that. It's a question of fairness as to what will
19 occur two hundred years hence, to the inhabitants of
20 this particular land area. Granted, we are only
21 speaking about a very small geographic portion of
22 land tonight, and what's on the application.
23 Unfortunately, the potential enormity of that
24 decision will be huge to those future generations.
25 This is a land trust. What I am about to speak on is

1 - Maculoso -

2 very small in scope in relationship to these other
3 ideas. I am a school district -- I represent a
4 school district. We are dependent on property taxes
5 as well as the general quality of life of our
6 constituency. In this particular area, we are only
7 talking about \$14,000 in taxes at this moment. But
8 the impact on the quality of life for the
9 constituency of this particular school district far
10 exceeds that at this moment, and will far exceed that
11 in the future.

12 The second item that I want to make mention is
13 that this is a trust area. This is not a
14 reservation. How does this impact the school
15 district? Very simple. If a family resides on a
16 trusted area, they are entitled under current law to
17 have any child between the ages of five and 21 to
18 attend the local school district free of charge.
19 Unlike the reservation, there is not any laws
20 whatsoever that states that that child's education
21 will be supplemented by either the state or the
22 federal government. That is what I mean by the
23 enormity of the potential.

24 Consequently, I ask the BIA, as you will listen
25 to in the future and in the past, to consider this

1 - Dresser -

2 application and to reject it out of a concept of
3 fairness. Thank you.

4 CHAIRMAN CHANDLER: Thank you.

5 MR. DAVID DRESSER: My name is David Dresser. I
6 am a member of the Seneca County Board of
7 Supervisors, and chairman of its Indian land claim
8 committee. I offer eight reasons why the BIA should
9 not take Cayuga or Seneca County lands in trust in to
10 the Cayuga Indian Nation. The Indian Organization
11 Act of 1934 which set up the trust process was
12 designed to restore to Indian tribes land lost due to
13 allotments to individual Indians. But the Cayugas
14 did not lose their lands through allotment. They
15 sold it to the state. Thus, their trust application
16 should not be honored because it does not fall within
17 the legislative intent of Congress.

18 By court determination, the Cayugas do not have
19 a reservation in New York State. And according to an
20 April 21, 1959 memo to all area directors and
21 superintendents, from the then Commissioner of Indian
22 Affairs: "When the land being acquired is within the
23 reservation boundary, the land will be taken in
24 trust. If the land acquired by the tribe is outside
25 the reservation boundary, title to it will be taken

1 - Dresser -

2 in fee."

3 In its landmark decision in favor of the City of
4 Sherrill versus the Oneida Indian Nation, the U.S.
5 Supreme Court's eight to one majority vote:

6 "Reestablishment of present and future Indian
7 sovereignty control, even over land purchased at
8 market price, would have disruptive practical
9 consequences." The Court was especially concerned
10 when parcels were checkerboarded, as in our counties.
11 As Senator Charles Schumer has said: "The whole idea
12 of national trust was not designed for densely
13 populated areas. The trouble with Indian law, quite
14 frankly, is that it was made for the West, and is now
15 fundamentally being applied to the East. It doesn't
16 apply to Cayuga County and to Seneca County."

17 Senator Schumer has also said: "Should we find
18 a way to treat the Indians? Yes. But that shouldn't
19 be the burden of Cayuga and Seneca Counties. That
20 should be the burden of the federal government and
21 the state government."

22 The Cayuga Indian Nation currently has a
23 serious, acknowledged, and documented leadership
24 dispute, principally over the issue of gaming, and as
25 a result, it has not submitted a tribal resolution in

1 - Dresser -

2 support of this trust application. We question why
3 the BIA is even holding a scoping meeting and
4 undertaking an environmental impact assessment in the
5 absence of such a resolution.

6 The Nation recently purchased a 70-acre farm in
7 Cayuga County that Chief Jacobs describes as "a place
8 to call home where we can reestablish ourselves as
9 Cayuga people." The Nation is not applying for trust
10 status for that property, which illustrates that
11 trust status is not necessary to preserve the Cayuga
12 culture. Instead, what we see is a tribe seeking
13 economic advantage over non-Indians with commercial
14 and gaming enterprises in both counties.

15 Government officials virtually all agree that
16 the innocent citizens of our community should be held
17 harmless, but no one has shown us how we can be held
18 harmless if land is taken into trust. And unless we
19 can be held harmless, we believe trust status should
20 not be granted.

21 Thank you for considering these objections.

22 CHAIRMAN CHANDLER: Thank you.

23 MS. ROBERTA HALDEN: My name is Roberta Halden,
24 and I am a landowner. I don't have a lot, but I have
25 enough. My taxes are fairly high. I pay both

1 - Halden -

2 village, town and county taxes. What I can't
3 understand is why a certain group of people have the
4 right to come in and want to just take over our land.
5 By take over the land, and by putting it in trust,
6 they no longer will be paying any taxes which means
7 my taxes are going to go higher. These people are
8 going to want police protection, fire protection,
9 their roads plowed, and yet they will be paying
10 nothing, which means my county taxes are going to go
11 up.

12 I think it's only fair that when you stop and
13 think about it, these people were paid for their land
14 a long time ago. Time has gone on for two hundred
15 years. It's time for people to move on. If they
16 want this property, if they want to set up homes, not
17 gambling, but homes, and pay their fair taxes,
18 they're welcome. But right now, it's not a fair deal
19 for us or anybody else that lives in Seneca County or
20 Cayuga County. I mean, they really have to take a
21 look at this. It's very hard to stand up here and
22 tell somebody: We don't want you. That's not what
23 we are saying. We are saying: You pay your fair
24 share. Do what the government tells you to do. And
25 you're more than welcome. I thank you.

1 - Halden -

2 CHAIRMAN CHANDLER: Thank you.

3 LIST MONITOR: If the next five speakers would
4 please come forward. They are Richard Tallcot.
5 Russell M. Wheeler, Jr. Gary Padula. Chris Puylara.
6 And Marty Hilburger.

7 MR. RICHARD TALLCOT: I am Dick Tallcot. I am
8 chairman of the Cayuga-Seneca chapter of Upstate
9 Citizens for Equality.

10 In their applications, the Cayugas say that the
11 Treaty of Canandaigua, New York established a
12 reservation. However, New York wasn't a party to
13 that Treaty, never got paid for any alleged taking,
14 and the Treaty itself merely recognized prior
15 transactions which included the 1789 Treaty in which
16 the Cayuga ceded all their lands in clause one, and
17 were allowed a use right to the state owned 64,000
18 acres.

19 Their application doesn't say their purpose is
20 for gambling, but casually says the purpose is to
21 continue current operations, and these will enable
22 them to buy more lands. One of the casinos was next
23 to the Union Springs High School, and fire
24 department. The other in Seneca County. They
25 "imply" everything will as is without acknowledging

1 - Tallcot -

2 their casinos were shut down for violating local
3 laws.

4 It's obvious, their only purpose is for trust
5 land to circumvent laws regarding the gambling, and
6 circumvent court rulings unfavorable to them.

7 The Cayuga have demonstrated their ability to
8 open operate and succeed in their businesses, which
9 meets the intentions of the IRA without trust status
10 and negates their need for such.

11 The Cayugas say they don't receive any town,
12 county or state services, and therefore no impact
13 will be felt. While electric, cable, telephone and
14 gas are utility companies, they've overlooked water,
15 sewer, highways, fire control ambulance, county
16 sheriffs, state police, and school districts. With
17 the exception of school districts, being they've
18 operated their businesses as non-resident
19 corporations, they are utilizing these.

20 Under jurisdiction, they say that the U.S. and
21 Tribe will have civil jurisdiction over all people,
22 and New York will have criminal jurisdiction over
23 non-Indians where there is no federal or tribal
24 jurisdiction under 18 USC 1166.

25 This only applies to gambling, and excludes

1 - Tallcot -

2 Class II casinos. In this Act, the feds have
3 exclusive jurisdiction over criminal acts unless
4 agreed to in a compact allowing state jurisdiction.
5 In disputes I am aware of, tribal officers are also
6 federal, which means the tribe has jurisdiction over
7 non-Indians.

8 So reading this as the courts have read acts
9 liberally in favor of Indians, the state would
10 relinquish all civil jurisdiction and criminal
11 jurisdiction except in the Class III casinos, should
12 the Tribe and State allow or agree to such. Even
13 then, all New York criminal jurisdiction over Indians
14 is excluded. Therefore they're requesting you
15 nullify 25 USC Section 232 and 233, which grants New
16 York total criminal and civil jurisdiction authority
17 on Indian lands.

18 They said property inspections were done. But
19 didn't say by whom.

20 They said inspectors didn't locate any
21 threatened or endangered species. I recommend you
22 study the O'Brien and Gere report which lists 45
23 threatened, 64 endangered, and six rare plant
24 activity in the counties. I would be very surprised
25 not to find one on one of those properties. I hereby

1 - Wheeler -

2 request their application be denied.

3 MR. RUSSELL M. WHEELER: Russell Wheeler. My
4 name is Russell Wheeler. I live on the Lower Lake
5 Road, a stone's throw from here. And have lived
6 there for -- my family's lived there for 60 years. I
7 am vice-chair of Upstate Citizens for Equality.

8 Presently there are 561 federally recognized
9 tribes. 274 minor tribes seeking federal
10 recognition. 228 Class III gambling tribes
11 participating in a race-based Congressionally
12 sanctified -- economic monopoly. 411 Class III
13 megamillion casinos producing \$19 billion annually
14 increasing by 14 percent per year. 972 separate --
15 election venues for sources of Indian tribes, and
16 those aren't harmless checking accounts. 38 states
17 whose communities are imploding from escalation of
18 the special preferential Indian economy created by
19 Congress and funded by tribal contributions.

20 Illegal activities. Drug trafficking across the
21 Canadian border at St. Regis, the Mohawk reservation.
22 Illegal -- traffic at the same reservation.
23 Non-federal taxed motor fuel, same reservation. We
24 don't need any more trust land to hide criminals.
25 The McCain-Feingold campaign reform bill does not

1 - Wheeler -

2 limit Indian tribe's contributions. Non-collection
3 of taxes by tribal business on sales to non-Indians
4 costing New York taxpayers \$400 to \$800 million
5 estimated per year. Governor Pataki and Tax
6 Commissioner Arastoff [sic] as of today, are in
7 violation of this law and subject to arrest.
8 Reservation shopping by tribes for casinos sites is
9 not legal even by Indian gaming commissions'
10 regulations.

11 The federal government never owned New York
12 State, and it can't give it away. Ignoring civil
13 rights laws from 1969 reservation, Indians have
14 virtually no civil rights, only at the pleasure of
15 tribal leaders. Eventually we will have none if we
16 live within the boundaries of trust lands. Howard
17 Jarvis in the 1960s said of abuses of California
18 property tax: We are mad as hell and we aren't going
19 to take it anymore. And we are. And we aren't going
20 take it. No more reservations. No trust lands.
21 Thank you.

22 CHAIRMAN CHANDLER: Thank you.

23 MR. GARY PADULA: My name is Gary Padula. I am
24 from Madison County. I am the president of the
25 American Citizens Association. A member of State

1 - Padula -

2 Citizens for Equality of Central New York. A member
3 of the Central New York Fair Business Association.

4 Tonight, I am here to support the other
5 residents of the State of New York in Seneca and
6 Cayuga County. I am also here to support the State
7 of New York. I am going read to you a letter. It's
8 an excerpt of a letter that came out in February 3rd
9 of 1969. It's: Department of Interior. Had to do
10 with an issue regarding an immediate problem at hand
11 with the protests by the Mohawk Indians of the St.
12 Regis Reservation. We cannot furnish any detailed
13 information. The United States has had minimal
14 contact with Indians of New York since it granted
15 both civil and criminal jurisdiction over Indians on
16 Indian reservations in the State of New York to the
17 State of New York.

18 It referred to criminal jurisdiction as well as
19 civil jurisdiction. It noted: "None of the ten
20 reservations presently located within the State of
21 New York, including St. Regis, was created by any
22 federal treaty, statute or executive order." The
23 State of New York furnishes virtually all
24 governmental services to New York Indians.

25 Gentlemen, these are state reservations. These

1 - Padula -

2 are state tribes. And as far as we are concerned,
3 there are only three sovereignties in that
4 constitution. The constitution says the sovereignty
5 of our federal government, the sovereignty of our
6 state, and our individual sovereignty. And in all
7 due respects, I do not believe we should be standing
8 in front of you, justifying this land. I thank
9 you.

10 CHAIRMAN CHANDLER: All right.

11 MR. CHRIS PUYLARA: My name is Chris Puylara.
12 And I am a taxpayer in Seneca Falls. I am here
13 tonight to implore the federal government not to
14 allow the Cayuga Indians to place their lands in
15 trust. I find it somewhat ironic that I have to ask
16 my government which I pay taxes to, to do its job and
17 protect my rights as a citizen of this country. The
18 way that the federal government treats Indian tribes
19 in relation to its citizens is un-American,
20 illogical, and goes against all the founding
21 principles of this country.

22 I am not against the Indians. What I am against
23 is inequality. That's what this is. It places one
24 group of people out of everyone. And that's
25 un-American. They're too many residents. I don't

- Puylara -

1
2 want it.

3 I oppose this application. No. 1, the tribe
4 will not have to pay taxes to the local
5 municipalities. The town, county, and most
6 importantly, the school district will lose out on
7 revenue that it should have. I find it interesting
8 that people on this land will go to the local school
9 district, receive local fire, police protection, and
10 have the roads plowed by local highway workers but
11 not have to pay taxes to use these services. Now I
12 would rather do less -- to lands coming off the tax
13 rolls so services don't increase. That means that
14 the rest of us will be forced to pay more taxes to
15 support these services. To me, that defies all
16 common sense and logic.

17 No. 2, the tribes will not have to pay sales tax
18 in items it sells at their stores. This is an unfair
19 punishment to non-Indian businesses. How can a small
20 business owner of a gas station compete with the
21 unfair advantages of an Indian owner of a gas
22 station? The answer is, it can't. Not bad. They
23 don't want to because they are forced to charge
24 higher prices by the government that Indians don't
25 have to charge. This will cause small businesses to

1 - Puylara -

2 close, forcing unemployment of individuals. How is
3 that fair? If a business had to close because of
4 equal competition, that is one thing. But this is
5 not equal.

6 I am not totally against the casino in this
7 region. I believe that the job opportunities and the
8 economic development could be beneficial. The only
9 way that I would support one, however, would be if
10 the tribe paid their fair share of the tax burden,
11 not to do that would be a detriment to this community
12 and families like mine -- families that vote and pay
13 the taxes that pay the salaries of individuals from
14 the federal government.

15 If this land is allowed to be placed into trust,
16 our federal officials and representatives will have
17 failed us in not doing what we elected them and hired
18 them to do. If that happens, then that famous
19 opening sentence from our Declaration of Independence
20 will be meaningless. "We hold these truths to be
21 self-evident that all men are created equal." Now
22 that will be shameful. Thank you.

23 MS. MARTY HILBURGER: Good evening, ladies and
24 gentlemen. My name is Marty Hilburger. I am a
25 resident of Seneca County, employed by the Cayuga

1 - Hillburger -

2 Nation as manager of LakeSide Trading in Union
3 Springs.

4 I am here tonight to speak to you about the
5 Cayuga Nation's two LakeSide Trading convenience
6 store gas stations in Seneca Falls and Union Springs.
7 These stores employ over 35 people. 35 people who
8 pay their taxes and spend their paychecks in this
9 area. They are your neighbors and friends. They are
10 able to support their families as a result of their
11 jobs at LakeSide Trading. They work hard every day
12 for an employer who provides them a good wage,
13 benefits, and a good work environment. This takes
14 place in an area where good jobs are not plentiful.
15 The LakeSide Trading stores see over 2,500 customers
16 each day. These are residents of the community who
17 are interested in patronizing our businesses, like
18 our product, like our service. They like our price.

19 Both properties, each, were convenience stores
20 and gas stations prior to the Cayuga Nation having
21 purchased them are better off as a result. They
22 employ more people, are better maintained, track more
23 customers, and are safer, and in general are more
24 value to the community. And in three years of
25 operation, there have been no incidents. The

1 - Hillburger -

2 communities in which we do business have not been
3 negatively impacted by our presence. We have not
4 created problems, only jobs, value, and improved
5 physical presence, and a much needed additional
6 reason for people to travel to this area.

7 I ask you to consider these positive impacts
8 created by Cayuga Nation's presence in this region.
9 Thank you.

10 CHAIRMAN CHANDLER: Thank you.

11 LIST MONITOR: The next five speakers are Rich
12 Ricci. Fred Swick. Ernie Olson. Harry Pettingill.
13 Jr. And Darrell Carter.

14 MR. RICH RICCI: Please don't start until I have
15 introduced myself. My name is Rich Ricci. I live in
16 Fayette, New York now, but was a resident of this
17 county my entire life. Former chairman of the Union
18 Land Claim Committee for seven and-a-half years. And
19 currently a member of the ad hoc committee. I am a
20 proud member of Upstate Citizens for Equality.

21 Before I get to my speech, I want to say that
22 what was stated by previous speakers about the 35
23 jobs that were created, please keep in mind that it's
24 Seneca Falls, New York. Three gas stations closed.
25 And I can name three others that have lost employees.

- Ricci -

1
2 And employees are much more than the people that are
3 hired. So, let's not use that as an argument.

4 Tonight I am here to, I guess, I want to beat up
5 a little bit on the Bureau of Indian Affairs. It is
6 my understanding that the Bureau of Indian Affairs is
7 empowered to enhancing the quality of life and
8 promote economic opportunity for American Indians.
9 Your Bureau has failed in its mission. In fact, it
10 has failed miserably. Your Bureau has allowed
11 self-proclaimed Indian chiefs to grow rich while the
12 members of their tribes remain impoverished and in
13 despair, more than twice the national average.
14 Mortality rates for American Indian children continue
15 to grow at alarming rates. Your Bureau has done
16 absolutely nothing to help the traditional Oneida
17 Indians when Mr. Halbritter, the self-proclaimed
18 chief, with the help of Congressman Boehlert -- over
19 the objections of the clan mother Miss Shenandoah --
20 demolished 11 Indian homes as their only quote/
21 unquote sin was not supporting Mr. Halbritter. 11
22 Indian families out in the street and nowhere to go
23 for recourse. And your agency did absolutely nothing
24 to help them. You expect us to trust your Bureau --
25 and trust is the operative word. Let me remind you

- Ricci -

1
2 that in this very gymnasium, in 1999, your Bureau
3 stood before us and spoke about settlement at that
4 time. Miss Heather Spitz [sic], the BIA
5 representative was, to say the least, disingenuous.
6 And here you are again and you expect us to trust
7 your Bureau. You expect us to roll over and expect
8 the settlement. We will not. We won in the courts.
9 You expect us to welcome the sovereign Nation that
10 does not play by the same rules. You expect the
11 hard-working taxpayers to pay more. You expect our
12 businesses to compete when they cannot. You expect
13 one group to obey the laws of this great nation, and
14 another not. We will not stand for the balkanization
15 of this land.

16 Let me remind you that the Cayuga Indian land
17 claim has been settled eight times. I can prove --
18 possibly 12 -- with your Bureau's involvement. And
19 you want one more settlement. Well, people, I say:
20 Not a chance. With what generation will this
21 insanity end? So we ask you to take this
22 dog-and-pony show back to Washington with this
23 message: One Nation.

24 One final thing, while I have eight seconds. I
25 hope it wasn't against the law. You come into this

1 - Ricci -

2 auditorium. What comes out of this hearing will
3 affect generation after generation, and you do not
4 have the courtesy to salute that flag. So I ask all
5 -- to stand up now and salute it. I would like to
6 say the Pledge of Allegiance. I pledge allegiance to
7 the flag of the United States of America. And to the
8 Republic for which it stands one nation, under God,
9 indivisible, with liberty and justice for all.

10 MR. FRED SWICK: I am Fred Swick, S-w-i-c-k.
11 Seneca County resident for 80-some years. Rich, you
12 just stole my story. We pledge allegiance to the
13 flag of the United States of America. One nation.
14 One nation. And that's the way it should be. No
15 other rights. Everyone should pay taxes that own
16 land. And that's the only way it should be. It's
17 unfair that the man's talked here about the Cayuga
18 gas station up here. He pays 35, 37 employees. They
19 pay taxes. And they are paying the Indian taxes that
20 they don't pay. Thank you.

21 MR. HARRY PETTINGILL: I am Harry Pettingill, a
22 historian with over 30 years experience.

23 One of the reasons given by the Supreme Court to
24 obtain the fee to trust was that the Cayugas would
25 have to prove their need for additional lands. The

- Pettingill -

1
2 Cayugas have already stated their need for additional
3 land. One: To return to the original natural
4 homeland, the Cayuga Lake region. Two: That they
5 haven't any reservation for the tribe. Recorded
6 history proves they are both wrong.

7 From the history book: League of the Iroquois,
8 by Lewis Morgan, of which Seneca Chief Eli Parker was
9 the historian. It was the work of Eli Parker that
10 this book is the bible on the source of homeland of
11 the Cayugas.

12 In every tribe was an Indian historian whose
13 tribe was to remember the tribe's past history. From
14 these many, many historian, wampum belts, artifacts
15 and so forth, Eli Parker proved that one tribe at
16 Montreal, Canada of many, many Iroquois tribes in New
17 York and Canada, was the regional homeland of the
18 Five Nations of which the Cayugas were a part. This
19 recorded fact negates the Cayuga's claim that the
20 Cayuga Lake region was their original homeland.
21 Therefore, this claim of the Cayuga Lake region being
22 their homeland cannot be used in a fee to trust
23 acquisition.

24 The Cayugas have had a legal certified
25 reservation on the Grand River Reservation in Canada

1 - Pettingill -

2 and only 40 miles west of the Buffalo since 1784,
3 when a portion was granted to the Cayugas and other
4 tribes for fighting on the side of the British in the
5 Revolutionary War. This was granted five years
6 before the 1789 Treaty reservation. This is where
7 the original Cayuga tribe lived under Fish Carrier in
8 1784 and their tribal ancestors still live there
9 today. This negates the Cayuga's claim of no
10 reservation. Therefore, it cannot be used in the fee
11 to trust acquisition.

12 When the new BIA building was named in honor of
13 Eli Parker, you must also honor his recorded history,
14 that Montreal is the original homeland of the
15 Cayugas, and that they have a reservation today where
16 Chief Fish Carrier and his ancestors have lived for
17 231 years. They have a reservation.

18 CHAIRMAN CHANDLER: If you have written
19 comments. That way he could have -- for the
20 transcript.

21 MR. ERNIE OLSON: Right. Good evening. I am
22 Ernie Olson. I teach at Wells College, a resident of
23 the Village of Aurora. Actually, one of the historic
24 villages destroyed in the Sullivan County -- one of
25 the historic Cayuga villages.

1 - Olson -

2 As an educator, and local resident, I am
3 speaking in favor of the proposed action. I think,
4 as stated in the overview, this land held in trust by
5 the United States of America will indeed work to
6 ensure the cultural preservation, expression and
7 identity, self-determination, self-sufficiency and
8 economic independence of the Cayuga Indian Nation.

9 As a local resident and educator, I would
10 certainly argue for the importance of the
11 preservation, expression, continued creation of
12 cultural diversity, ethnic diversity, religious
13 diversity, class diversity -- particularly from
14 people of the Cayuga who have such. In fact, I would
15 disagree with the last speaker -- they have such a
16 lengthy and historic and cultural connection to this
17 place, to this environment.

18 And I think it's in fact good for business, no
19 doubt good for tourist business, to create an
20 interesting culturally diverse landscape in this
21 area. Certainly it would be good for educational
22 institutions like Wells College. Often, in a context
23 like this, this is in fact part of the community. In
24 fact, on a tax paying part of the community, in terms
25 of their land base, in terms of land, college

1 - Olson -

2 acres -- I would say beyond having dorms named
3 Cayuga, which is the case here on this campus, to
4 have dorms -- we would love to have at Wells College
5 certainly dorm residents who are in fact Cayuga.
6 That would be our goal.

7 Certainly I am welcoming the Cayuga to this
8 community. And in terms of connecting the local to
9 the global, as an educator, I certainly welcome the
10 people as a way for education and learning,
11 sensitivity and intolerance, and cultural and racial
12 and religious diversity. That is, this would most
13 likely foster education for life, in an increasingly
14 global economy, and in fostering the ability to exist
15 in a context of multiple languages and multiple
16 cultures and multiple religions, multiple political
17 perspectives. Thank you.

18 I will provide a text probably either fax or
19 e-mail.

20 CHAIRMAN CHANDLER: Thank you.

21 MR. DARRELL CARTER: Hi. My name is Darrell
22 Carter. Cayuga County. I apologize. It doesn't
23 figure, format perfectly. But what are you going to
24 do? You can't turn on a TV or radio or open a
25 newspaper without being inundated by the fact that

1 - Carter -

2 the Arabs want to buy the United States' seaport
3 system. I would dare say that the majority of the
4 people in this room are against this deal. But guess
5 what? The Arab can walk into any U.S. port and make
6 sure labor laws are enforced. OSHA can inspect
7 equipment for compliance. The health department can
8 check sanitary conditions, and in the case of the
9 State of New York, that no one is smoking. The fire
10 department can enforce fire codes. And even homeland
11 security can do whatever they do. But yet some of
12 these people who are against the Arabs owning port
13 access see nothing wrong with checkerboarding New
14 York State and the Nation with fiefdoms governed by
15 whatever law the tribe chooses.

16 Now these people say that the difference is that
17 they, the tribes, were here before us. Well, I ask
18 who was us? I say that "us" must be the United
19 States of America because before the United States of
20 America, there was no us.

21 Now a lot of us in this room had ancestors
22 standing on this continent before there was a "United
23 States of America." Does that mean we can claim land
24 and do as we please?

25 Well, Clint Halftown says that the Indians have

1 - Carter -

2 a special bond with the land of their birth. But
3 this is the land of my birth also. I'm farming the
4 same land my father and my grandfather farmed, and my
5 bond is not subject to any 200-year old claim.

6 We all know that the land-in-trust issue is for
7 the construction of casinos. No big surprise there.
8 The Americans who are working or want to work at
9 these establishments say there are no jobs in New
10 York State that pay as well. They may have a point.
11 But in my opinion, using gambling as a foundation for
12 any state's economy is foolish. And if we are going
13 down that road, it would better to legalize it for
14 all, and level the playing field.

15 This country has enough problems externally from
16 the rest of the world, be it economically,
17 religiously, security or any number of other threats,
18 that the ideas allowing separate nations within our
19 United States of America is just plain suicidal.
20 Nothing I have said so far gets across to the
21 politicians and other government officials here, and
22 in Washington. Let me speak to your own sense of
23 self-preservation. You are public employees. I know
24 politicians are especially fond of saying they are
25 public servants. But make no mistake about it. From

1 - Carter -

2 the president down to dog catcher, you are all public
3 employees -- and paid damned well, both in salary
4 and in benefits. Public servants are people like
5 volunteer firemen and others, who give of themselves
6 for organizations like Boy Scouts and Girl Scouts,
7 and the like, for the good of the community.

8 This state is littered with communities that are
9 financially and morally bankrupt. We have lost
10 population, and will most assuredly lose
11 Congressional representation. Every public employee
12 is supported by taxpayers, not sovereign nations --
13 something you should all remember. And trying to
14 make deals with any entity, be it any tribe or mall
15 developer, for payments of in lieu of taxes, is a
16 good way to further bankrupt New York State.

17 So do the jobs taxpayers of New York and the
18 United States are paying you to do -- put the United
19 States of America first. Do not allow this land to
20 be put into trust.

21 LIST MONITOR: The next five speakers will be
22 Harry Eno. Judith Bachmann. Kristin Cox. Ralph
23 Lott. And Cindy Schlegel.

24 MR. HARRY ENO: Good evening. My name is Harry
25 Eno. I live at 3342 Shady Beach, Seneca Falls.

- Eno -

1
2 E-n-o. I can't give you this. You will never figure
3 it out.

4 Most of my thunder has been stolen here.
5 Practically everything that I had to say has been
6 brought up. And I am going to try to abide by your
7 wishes. However, I would like to just make a couple
8 of comments. And first of all, one of them isn't an
9 apology. I also am a member of Upstate Citizens for
10 Equality. And we really would have liked to have put
11 a show on for you tonight like you saw down in Oneida
12 and Sherrill but we couldn't afford the T-shirts and
13 the busing of people.

14 We get our money by collecting cans and bottles.
15 By the way, we don't have any government support.

16 Another thing I would like to bring out -- and I
17 am glad Rich brought up the pledge to the flag --
18 because I don't know if you people noticed it or not,
19 but this gentleman right here to my left didn't
20 bother to stand up and pledge the flag. But yet they
21 are up here asking people, politicians in here, for
22 land to be put in trust. Now he adamantly denied
23 being citizens of the United States and refused to
24 pledge to the flag. And you have got people in here
25 that were wounded in combat, fought for this country,

1 - Eno -

2 and they sit here and can't even bother to get up and
3 pledge the flag. What the hell kind of a country do
4 we live in?

5 I think probably the reason is the one part of
6 the pledge that they don't understand is: One Nation
7 under God. I realize that's really not politically
8 correct anymore but that's the way I am going to
9 stand by it. And my -- and our family are adamantly
10 opposed to land in trust. Let us live the way we
11 have always lived since we were born and raised here.
12 Thank you very much for the time to speak.

13 CHAIRMAN CHANDLER: Next?

14 MS. JUDY BACHMANN: Good evening. My name Judy
15 Bachmann. And I am here as the vice chairman of
16 Citizens Equal Rights Alliance, a grassroots
17 volunteer organization dedicated to equal protection
18 under the law with members in 22 states.

19 Tonight we are here to address the EIS procedure
20 and the creation of federal territory through the
21 taking of New York land. Make no mistake, you may
22 call it whatever you would like, but this fee to
23 trust process is a "taking." New York is a
24 pre-emptive sovereign state with no surplus reserved
25 federal public domain land. The BIA, which acts on

- Bachmann -

1
2 self established regulations, is an executive branch
3 agency of the federal government with a delegated
4 trust obligation to the Indians. That delegated
5 obligation raises serious questions about the
6 objectivity of the BIA within this fatally flawed EIS
7 process, and if it should continue.

8 The damage done to all Americans by misuse of
9 federal power must be stopped. Through application
10 of bureaucratic regulations to federal statutes our
11 government tells us that they know better than we
12 what is good for us. In recent times the courts have
13 decided that the federal government must be more
14 accountable to the individual citizen. A change has
15 begun, slow at first, starting with Montana, A-1
16 Strate, Atkinson Trading and then working through
17 Village of Venetie, Nevada versus Hicks, Inyo County,
18 and of course Cobell. In 2004, the courts ruled in
19 Cheney, Al-Rasul, Hamdi, and Sosa, limited the
20 expansive use of the executive power. Through the
21 2005 Sherrill decision and subsequent Second Circuit
22 reversal of Cayuga, greater light was shed on the
23 application of laches and "takings." Last week,
24 Scotus spoke again, with Chief Justice Roberts
25 stating that a defense which simply claims a unique

1 - Bachmann -

2 relationship with Indian tribes is not sufficient to
3 create preferential treatment. A slow murmur heard
4 across this country has now become a roar. The
5 United States was founded by "We the People" giving
6 limited powers to the federal government. It is time
7 to embrace equal protection to all citizens declared
8 within the 14th amendment.

9 The United States government hides behind
10 partial application of the defense of laches,
11 application of selective parts of treaties, and
12 twisted interpretation of the constitution.

13 When this is combined with the cavalier attitude
14 encompassing: We know best what is best for you;
15 because we can; at the discretion of the secretary;
16 because it was once an aboriginal use. Plus the
17 justification of prejudicial treatment by simply
18 stating "we have a unique situation or relationship."
19 It is no longer acceptable and it just isn't good
20 anymore.

21 We the people of the United States, supported
22 now by the courts, are demanding long overdue
23 accountability of this government established of the
24 people, by the people, and for the people.

25 MR. CINDY SCHLEGEL: My name is Cindy Schlegel.

1 - Bachmann -

2 I am a resident of Seneca Falls. I live in the
3 Indian lands claim. I have a small business that
4 employs 35 people. And I pay taxes.

5 Thank you for the opportunity to speak tonight.
6 Our ancestors began settling the communities along
7 the shores of Cayuga Lake over two and-a-half
8 centuries ago. Something else happened two
9 and-a-half centuries ago. The Cayuga tribe opted to
10 migrate to Canadian territories and settled there.
11 They also chose to join the British and fight the
12 American colonists. Later, approximately twelve
13 families associated with the tribe decided to abandon
14 their affiliation and migrate to the northern shores
15 of Cayuga Lake. Ultimately there was an agreement
16 with Albany because it wasn't federal land, they
17 agreed to abandon the property for an annual stipend.
18 The Cayuga tribe was furious as they knew back then,
19 as we do now, that those who had left the tribe had
20 no authority to negotiate anything. It's history.
21 It's not pretty. But it's over.

22 Or is it? Defending against an illegal and
23 ill-advised land claim, counties throughout the state
24 have had to spend millions of tax dollars to defend
25 something that should need no defense. Landowners

1 - Bachmann -

2 have had to live under a cloud of threat and
3 intimidation upon their property rights. We have
4 watched various Indian tribes line the pockets of
5 politicians, and lobbyists for personal gain, while
6 developers sought to exploit the situation in order
7 to have a piece of a casino deal.

8 So who was asleep as this growing scandal
9 occurred? Certainly, for far too long our state and
10 federal representatives. But more egregious, the
11 Department of Interior, and the Bureau of Indian
12 Affairs. When a gas station becomes a sovereign
13 nation and the purchaser can order code enforcement
14 agents off the property, refuse to pay property
15 taxes, drive small locally owned businesses into
16 bankruptcy, and defy legislative mandate to collect
17 sales tax, it's time to see the paperwork. I have
18 been asking for this for a long time. I want to see
19 it. Was there a thorough and unbiased review of this
20 claim? Was the process of granting sovereignty to a
21 gas station thoroughly adhered to?

22 Thankfully, the little Town of Sherrill --
23 Sherrill, New York -- got it out of the political
24 sludge and greed, and took it to the U.S. Supreme
25 Court. And their ruling has once again rung the

1 - Bachmann -

2 liberty bell across America. Having lost to the
3 courts, there is now an attempt to have the land put
4 in trust a precursor to sovereignty. I understand
5 that you have already held hearings.

6 (Timer buzzer sounding.)

7 CHAIRMAN CHANDLER: Would you like to add more
8 at the end?

9 MS. SCHLEGEL: I just have a paragraph. Could I
10 do that?

11 CHAIRMAN CHANDLER: Would you like to add more
12 at the end? Add more to your statement at the end of
13 the --

14 MS. SCHLEGEL: Thirty seconds?

15 CHAIRMAN CHANDLER: No, we have -- written
16 comments are the same as oral comments. You can turn
17 them in or you can add more to the end.

18 MS. SCHLEGEL: All right.

19 MR. BLASER: Let me explain. Everyone is given
20 the three minutes. We don't want to create
21 exceptions to everybody, with all due respect. You
22 can turn in -- excuse me. Excuse me. You can turn
23 in your written comments, and they are given equal
24 consideration to your oral comments. If you want to
25 continue your oral comments at the end of the comment

1 - Bachmann -

2 period after everyone here has given three minutes,
3 we will give you additional time to wrap up your
4 comments. But for now we would like to move to the
5 next person. Thank you.

6 MS. SCHLEGEL: I understand that. But you have
7 taken a lot of my time now for three minutes. And I
8 could have been done with this.

9 MR. BLASER: Please move to the next person.
10 Thank you.

11 CHAIRMAN CHANDLER: Next, please. Next, please.
12 Next, please. Next please.

13 MS. SCHLEGEL: It's time to end the --

14 MR. BLASER: Ma'am, we are not creating
15 exceptions to everyone. Please take the seat. After
16 everyone is done, you will get two additional
17 minutes, if you would like to finish your remarks.

18 CHAIRMAN CHANDLER: Thank you.

19 MS. KRISTIN COX: Good evening. My name is
20 Kristin Cox. I am a dairy farmer in Cato, New York,
21 and serve as president of the Cayuga County Farm
22 Bureau. Cox. C-o-x.

23 I am here tonight representing 512 member
24 families in Cayuga County as well as 33,000 member
25 families of our statewide organization of the New

- Cox -

1
2 York Farm Bureau. I appreciate the opportunity to
3 provide comments on the EIS for the Cayuga Indian
4 application for fee to trust transfer of land.
5 Agriculture is a major land use of the areas that
6 would be impacted by acceptance of the Cayuga's fee
7 to trust application. We are very concerned about
8 the impact that such an action would have on
9 surrounding agricultural lands and family farms.
10 Cayuga County Farm Bureau and New York Farm Bureau
11 are opposed to Cayuga's application, as it is simply
12 an attempt to avoid following local laws and
13 regulations.

14 Of particular concern to our members is the
15 impact that placing the Cayuga's land in trust will
16 have on the revenues to local government and schools.
17 Because placing the land in trust will decrease the
18 tax base for local property taxes, local governments
19 and schools will need to cut services or find other
20 sources of revenue. This will occur, even though the
21 trust lands will still have access to various
22 municipal services. Within the EIS we would
23 appreciate an examination of what the impact of the
24 loss of property tax base will be on local
25 municipalities and schools. What the cost of

1 - Cox -

2 services will be for local entities protecting and
3 supporting land placed in trust. This examination
4 should include potential costs of services for
5 further development by the Cayugas of their gaming
6 facility.

7 Farm businesses must, by necessity, own large
8 areas of land and are therefore strongly impacted by
9 increases in property taxes. It is likely that any
10 loss in the tax base will result in increases
11 property taxes to other landowners. We believe that
12 EIS should specifically request the financial impacts
13 to farm businesses from increased property taxes.

14 Several parcels of land that are part of the
15 trust application have businesses that are actively
16 run by Cayugas. Since these businesses would not
17 need to pay property taxes or appropriate sales tax,
18 they would gain an unfair advantage in the
19 marketplace due to the lower tax burden and cause
20 further financial harm to other local businesses.
21 The EIS should consider the impact that Cayuga-run
22 businesses will have on other local small businesses.

23 Again, thank you for the opportunity to provide
24 input into this very important issue.

25 CHAIRMAN CHANDLER: Thank you. Yes?

1 - Lott -

2 MR. RALPH LOTT: Good evening. My name is Ralph
3 Lott, L-o-t-t. I am a grain farmer from Seneca
4 Falls, New York. I serve as president of the Seneca
5 County Farm Bureau.

6 I am here tonight representing 368 member
7 families in Seneca County, as well as the 33,000
8 families of our statewide organization, New York Farm
9 Bureau. I appreciate the opportunity to provide
10 comments on the EIS for the Cayuga Indian Nation for
11 application for fee to trust transfer of land.

12 New York's environmental regulations are often
13 more stringent than those established by the EPA.
14 These regulations serve to protect our natural
15 resources. If the trust application is approved, the
16 Cayugas will only need to adhere to the basic EPA
17 regulations. This again makes the businesses
18 unfairly competitive and places surrounding citizens
19 at risk. It is imperative that the EIS examine the
20 impact that lack of environmental regulation will
21 have on competing farm regulations and increased risk
22 for environmental contamination.

23 Here in New York we have already seen private
24 property that has been damaged due to a lack of
25 environmental oversight of Indian Nation land.

- Lott -

1
2 Facing no actual oversight by federal agencies, the
3 Oneida Indian Nation's construction of a golf course
4 near a wetland destroyed farmland and inexcusably
5 trampled property rights. For that reason we believe
6 the EIS should, using a realistic federal enforcement
7 strategy, consider the overall impact to the
8 environment and private property of placing Cayuga
9 lands in trust. This assessment should consider any
10 impacts resulting from the Cayuga tribe receiving
11 "treatment similar to a state" from the EPA.

12 Our concerns are primarily focused on
13 jurisdiction. In the U.S. Supreme Court case, City
14 of Sherrill versus Oneida Indian Nation of New York,
15 the Court found that the Oneida Indian Nation land
16 could not be claimed as sovereign because it would
17 create a patchwork of jurisdictional authority that
18 would adversely affect neighboring property owners.
19 The EIS should consider in more depth the adverse
20 impacts resulting from proposed patchwork of fee to
21 trust land and how moving Cayuga land to trust status
22 will in any way limit jurisdictional confusion. Such
23 an evaluation should include consideration of further
24 local lands being taken into trust of the Cayuga
25 Nation.

1 - Lott -

2 Allowing BIA to take Cayuga land into trust is
3 the wrong solution to this issue. It ultimately will
4 cause harm to small businesses, residents and the
5 environment in the local communities. It will cause
6 tremendous confusion in land-use regulations and
7 governmental oversight. It simply is not an
8 equitable way to solve the problem. We believe that
9 there are more positive locally focused approaches to
10 address the concerns that caused the Cayuga
11 application, and encourage EIS to examine these
12 options in depth. All other alternatives examined
13 should focus on the issues mentioned in these
14 comments, particularly the question of patchwork
15 jurisdiction.

16 On behalf of the Seneca County Farm Bureau and
17 the New York Farm Bureau, I urge you to oppose the
18 Cayuga Indian Nation fee to trust application.

19 Again, thank you for the opportunity for input
20 in this very important issue.

21 CHAIRMAN CHANDLER: We are going to take 15
22 minutes.

23 (Recessed at 8:22, and Hearing resumed at 8:35 p.m.)

24 CHAIRMAN CHANDLER: Let's go ahead and gather
25 back up to begin the meeting. Okay, could we get you

1 - Recess -

2 to take your seats now. And we will continue.

3 Everyone standing, please sit down.

4 LIST MONITOR: I would like to announce the next
5 five speakers. Next five speakers will be Bridget
6 Holmes. Edward Ide. Norma Mitchell. Mary Gratton.
7 And Mel Russo.

8 MS. BRIDGET HOLMES: Good evening, ladies and
9 gentlemen. My name is Bridget Holmes. I am a
10 life-long resident of Cayuga County and I am a
11 graduate of Union Springs High School. I have
12 remained in this area all these years because it's a
13 wonderful place to live and a great place to raise
14 your children.

15 I am currently the manager of one of the Cayuga
16 Nation's convenience stores and gas stations,
17 LakeSide Trading of Seneca Falls. I was hired by the
18 Cayuga Nation in May of 2004 to manage the LakeSide
19 Entertainment Class II gaming facilities in Union
20 Springs and Seneca Falls. I continued to manage
21 these facilities until they were temporarily closed
22 in October of this past year.

23 I ask to speak to you tonight to talk about the
24 LakeSide entertainment businesses and our
25 contribution to the community. These two very small

- Holmes -

1
2 Class II gaming facilities employed over 20 people.
3 These 20 jobs were great jogs. Wages were
4 considerably higher than those in the area for
5 comparable work. Benefits were provided to all
6 employees, and the work atmosphere was extremely
7 pleasant. I can tell you, from experience, the
8 Cayuga Nation is an excellent employer. As a result
9 of the temporary closure of these businesses, 16
10 people were laid off. These people, many of whom I
11 am still in touch with, have had a difficult time
12 finding similar jobs. I believe each and every one
13 of them is anxiously awaiting the day when they can
14 return to their jobs at LakeSide Entertainment.

15 I can also tell you, without exaggeration, that
16 every week, and as recently as today, we received
17 telephone calls from our customers asking when are we
18 going to reopen. They tell us how they miss our
19 facilities. They miss our employees, with whom they
20 have become friends, and they miss the ability to
21 have somewhere fun to go during these cold winter
22 months.

23 One woman's husband is an avid fisherman and an
24 ice fisherman. He would drop her off, on the way to
25 fishing, at one of our facilities. She has nowhere

1 - Holmes -

2 to go now. Another customer was hoping to spend her
3 birthday with us at LakeSide Entertainment. The
4 stories go on and on.

5 LakeSide Entertainment provided entertainment
6 alternative to not only the residents of Seneca and
7 Cayuga County but to the many people we drew to the
8 area from outside of all these counties. One that
9 has been temporarily lost.

10 I ask that you consider the positive impacts the
11 Cayuga Nation has and will continue to have on this
12 region. I ask that you consider the welfare of
13 LakeSide Entertainment's employees and their ability
14 to support their families. I ask that you consider
15 the well-being of this area and the Cayuga Nation's
16 ability to attract people to an area in need of
17 economic activity.

18 Thank you for your time.

19 CHAIRMAN CHANDLER: Thank you.

20 MR. EDWARD HIDE: I am Edward Hide. I am a
21 supervisor for the Town of -- I would like to draw
22 your attention to page 20 of the Sherrill decision in
23 which the Supreme Court debates the relative merits
24 of the checkerboard -- which if you were to take
25 these parcels into trust you would be doing, because

1 - Hide -

2 they are not contiguous. Their conclusion was: That
3 the balancing of interests, which I believe is part
4 of your responsibility, concluded that the zoning and
5 jurisdiction should remain with the state. They
6 further reference both the Seneca Cayuga versus Town
7 of Aurelius, and the Village of Union Springs versus
8 the Cayuga Nation in that decision. To go ahead and
9 grant trust status on this application, I believe,
10 would put you at odds with the Supreme Court's
11 decision. And I don't believe that a somewhat shaky
12 trust situation would be in either the tribe's or the
13 municipalities' best interests.

14 During the years that the tribes were absent,
15 infrastructure and communities were developed without
16 regard for being severed at a later date. There is a
17 lot of infrastructure in the area that extends
18 services to communities far from this area. To start
19 breaking up the jurisdictions would also put that
20 infrastructure at risk. I would ask you to give that
21 consideration in your decision. Thank you.

22 CHAIRMAN CHANDLER: Thank you.

23 MS. MARY GRATTON: Good evening. I am Mary
24 Grafton, G-r-a-t-t-o-n. Resident of the Town of
25 Aurelius and for the record, a graduate of Wells

1 - Gratton -

2 College, and to put it quite simply, my concern is
3 that the following Land into Trust creates
4 inequality. And to put this land into trust would
5 not be healthy for our community.

6 And I would also like to go on the record as
7 saying that one does not need to have trust land to
8 preserve their heritage or to advance economically.
9 Thank you.

10 CHAIRMAN CHANDLER: Thank you.

11 MS. NORMA MITCHELL: Good evening. I am Norma
12 Mitchell. Mrs. Kenneth Mitchell. My husband taught
13 for over 32 years in the wonderful Mynderse Academy.
14 And we have lived on the same Lower Lake Road address
15 for over 45 years now. Kenneth has worked 35 summers
16 at the Cayuga Lake State Park.

17 If I thought for a minute that any of those jobs
18 or any of this land was jeopardized, I would be up
19 incensed, but, I still have the feeling that no
20 matter what we say here, we are not really going to
21 be heard. And I want to -- I want to thank you so
22 much for the opportunity to speak.

23 I want to specifically address the letter that I
24 received in the mail which actually summed it up for
25 me that I have to be here tonight. I have to come as

1 - Mitchell -

2 you are right here tonight with my husband and my
3 neighbors. And he asked simply: Do you want higher
4 property taxes? Unregulated gambling? Also if
5 you're a landowner rights, loss of revenue and
6 increased burden on firefighters, increased
7 unemployment and environmental damage, a violation of
8 zoning laws. And I have to say no on all of those
9 eight -- especially the unregulated gambling. I was
10 most distressed to hear that your gaming center on
11 one of more most graphic corner of Route -- and
12 Garner [sic] Street extension was only temporarily
13 suspended. Give us back our ways and Express or
14 Subshop and get your gambling traffic out of there.
15 They drive around, some of these -- they don't like
16 you to see them anyway, they have a little money and
17 have gone to a risk of a little bit, believe me, most
18 of the people who gamble cannot afford it. So get
19 your -- who made all your money -- get out of that
20 corner and stay out. Thank you very much.

21 MR. MEL RUSSO: My name is Mel Russo. That's
22 M-e-l, R-u-s-s-o. I am a real estate broker
23 operating in the Indian land claim area. I am also a
24 property owner that pays over \$13,000 a year in
25 property taxes. Plus our income tax to you fellows.

1 - Russo -

2 I am glad that you guys came tonight because
3 everything that I was going to say has already been
4 said. And Harry Pettingill and everybody, and Cindy
5 who said everything that I was going to say, so I
6 have to kind of do a little antics here.

7 I want you to meet somebody. I want the Bureau
8 of Indian Affairs to meet somebody who is very
9 special in my life, Sua [sic]. Sua, that's my
10 mother. She is 95 years old. She has never met a
11 Bureau before. She is 95 years old. She's lived in
12 her own house for about 85 years. And you know what?
13 She pays property taxes like we want everybody else.
14 So if we can make a 95 year old lady pay property
15 taxes, I think we ought to make the Indians pay
16 property taxes as well.

17 I think you heard a lot about the tax structure
18 here. We advertise. My company advertises
19 nationwide. We put us in the New York Times, the
20 Wall Street Journal, the Cornell Recommend. And
21 people call us up. They say: Well, send us that
22 lake house. Send us that winery. Send us this
23 peninsula that you have for sale. They get the
24 property listing. They look at it. They look at the
25 property taxes. And then you call them up and say:

1 - Russo -

2 Did you get the listings? Yes. But the taxes are
3 too high.

4 We need to stop this. We need to stop taking
5 more property off the tax rolls. I think in this
6 area where the gas station operates, let's say that's
7 in the Bridgeport Sewer District, the tax rate there
8 is 40 per thousand. \$40 per thousand. That's pretty
9 high. If you had a \$100,000 property, then you would
10 be paying \$4,000 of your property taxes. In the
11 Indian property that's in Seneca County right now,
12 let's say it's worth a million dollars. That's
13 \$40,000 in tax revenues lost. How much time? Oh my
14 God, okay. Because all the services provided by the
15 government are for all the people. All of the people
16 should pay for that. We ask that the properties
17 owned by the Cayuga Indians in Seneca/Cayuga County
18 not be annexed to the federal trust. One nation
19 under God. And if you want to see a real
20 environmental impact on your way to the airport, look
21 at the corner of 90, and Route 5 and 20 and you will
22 see some erosion by people who are supposed to be
23 protecting the environment. That's all by the Cayuga
24 Indians. Thank you.

25 LIST MONITOR: The next five speakers are

1 - W. Shuster -

2 William Shuster. Peter C. Shuster. John Saeli.
3 Ford Knight. And Dan Babbitt.

4 MR. WILLIAM SHUSTER: Good evening. My name is
5 William Shuster. All Indians have their right in
6 America to American citizenship, including my wife,
7 of Indian descent, who never considered herself other
8 than American, born in America. All citizens have a
9 right to their culture. The so-called Indian land
10 claim had final settlements at least eight times.
11 The original known inhabitants of this area were
12 Algonquins and Hurons. All were driven out by the
13 Cayuga and Seneca Indians, who fought with the
14 British during the Revolution and War of 1812. Shame
15 on the United States government, Congress, for
16 allowing the Department of Interior or the Bureau of
17 Indian Land Affairs of 200 years of corruption, with
18 their Indian land agents. Shame on Congress for
19 allowing an unsettled land claim for 200 years. Just
20 follow the money pail to the politicians. In the
21 system of justice, criminal injustice, in the system
22 of apartheid and racism. Thank you.

23 MR. PETER SHUSTER: My name is Peter Shuster. I
24 am a farmer. I live down the road here a mile. I
25 grow a few strawberries. The 125 acres doesn't sound

1 - P. Shuster -

2 like very much -- out of 55,000. But it's like the
3 camel getting his head in the tent. They are not
4 going to stop. A few years ago, they propositioned
5 me for my farm. It's 300 -- it's about 300 acres for
6 a casino. Now I can't think of anything worse to be
7 facing the environment than replacing my strawberry
8 patches with a casino. It's my livelihood as well as
9 their children's. The Bureau of Indian Affairs has a
10 shameful record. They squandered billions of dollars
11 and ruined their trust funds that they entrusted to
12 them. They created reservations to harbor the poor,
13 the people in our country with the highest infant
14 rate mortality. I think these Indian casinos that
15 have been promoted, they make their Indian operations
16 -- they make their money by not paying taxes, and in
17 lieu of paying taxes, and following the laws. They
18 give -- up to half of the profits to the politicians
19 to keep them in business. Business is a real
20 tragedy, as the Abramoff hearing. He bought a lot on
21 a big scale. And he said: I didn't do anything that
22 others aren't doing, creating the special privileged
23 class of hundreds and of different Indian tribes and
24 sovereign nations who don't pay taxes and don't fool
25 -- our law. It's going to lead to something that Mr.

1 - P. Shuster -

2 Price calls another civil war. It's very serious.
3 And that will be one of your biggest environmental
4 disruptions you have ever faced.

5 Okay. I want to close with the thought that
6 this solution to this problem is very simple. By
7 treating all Indians alike. U.C.A. says: With
8 equality. So they follow the laws, pay taxes, and
9 stand up and pledge allegiance to the flag, we will
10 have a good country.

11 MR. JOHN SAELI: My name is John Saeli. Town of
12 Varick. We live -- family and I live on the west
13 side of the Town of Varick. I own and operate a farm
14 there. My mom is 99 years old. Still lives in the
15 original house her and my dad built. Pay taxes.
16 Took pride -- my parents took pride in paying their
17 taxes.

18 You came here to assess the impact that this fee
19 to trust would have. If you could sense the pride in
20 this community. These two counties, the passion here
21 of these people. If you did such a thing, it would
22 have a terrible impact on us, I have got to tell you
23 that. This gas station that Mr. Halftown runs,
24 occupies probably half an acre, has put three
25 businesses in Seneca County out of business. Family

1 - Saeli -

2 run businesses that pay taxes.

3 I have got to tell you something. I grew up in
4 a general store. My mom and dad operated a general
5 store. I had to work there as a little kid. And I
6 remember my dad working with the neighboring
7 businesses. There was a gas station north of us.
8 There was a general store south of us, all within
9 four miles. They would work together. Cooperatively
10 buy. Never think about running somebody else out of
11 business. It just didn't happen. This fee to trust
12 thing, you think about the Indians, you see it on TV,
13 clear water, fresh water. It isn't about water. It
14 isn't about clean land. It's about money. Gambling.
15 For crying out loud. Gambling casino. People go in.
16 This LakeSide Entertainment, you talked about, it
17 isn't entertainment. It's dirty. It's filth. The
18 people go there, they gamble. Throw their money
19 away. They go out. They go home. They not only go
20 to gamble with their paycheck, well, I blew it, can't
21 support the kids. You also want to see impact? I
22 wish you would drive our town roads, here in middle
23 Seneca County, Town of Fayette. Town of Varick.
24 Town of Romulus. See the impact that their
25 businesses had, and the time that their business has

1 - Saeli -

2 been here. They have denied Seneca County millions
3 of dollars in sales taxes. That would have gone to
4 the towns for the betterment of the towns and the
5 schools. Please, do that. See the impact. Deny
6 this fee to trust thing. Thank you.

7 CHAIRMAN CHANDLER: Thank you.

8 MR. FORD KNIGHT: Hello. My name is Ford
9 Knight, F-o-r-d, K-n-i-g-h-t. I live on Gusty Lane
10 in the Town of Fayette. I have been here tonight. I
11 have listened to a lot of the stuff. I have come to
12 a lot of these meetings over the years about the
13 Indian land claim. And I want to thank everybody who
14 is here, for being here, because we are the people
15 who seem to care, seem to understand what is going on
16 here. We are talking about equity and fairness. Or
17 I should say perhaps the lack thereof. And also,
18 about adverse environmental impact.

19 Now, we have no problem with people coming and
20 living and being considered equals with us, paying
21 their taxes. But we have a situation here in Seneca
22 Falls where business is being run that is inherently
23 exploited. Gambling is a business that mostly
24 everyone loses. It's good for the people who own the
25 house. Not so good for everyone else. There, a few

1 - Knight -

2 people win, but mostly people lose. Not to mention
3 the cheap cigarettes. Now come on, you talk about a
4 bad health risk. You talk about what that is doing
5 to our whole way of life. And here we have cheap
6 smokes that are being sold and people just can't get
7 them fast enough. How could that possibly be
8 positive.

9 Every day when I go into Seneca Falls to work,
10 oftentimes I go by that store and there are semis
11 parked along the side of the road. Other vehicles
12 blocking the intersection, making it hard to see. I
13 am surprised, quite frankly, that there haven't been
14 more traffic accidents there just because of the
15 safety issues.

16 You know, I think that you really have to
17 understand that this is a fairness issue, and there
18 is no way that we should be put in a position where
19 we have to let this stand. Thank you very much.

20 CHAIRMAN CHANDLER: Thank you.

21 MR. DANIEL BABBITT: Good evening. Gentlemen,
22 you have a glazed look on you. I don't blame you.
23 Daniel Babbitt. I live in Seneca Falls. I have my
24 own business. My business pays taxes. I pay income
25 taxes. I expect my neighbors to pay taxes. I

1 - Babbitt -

2 understand you're here because you want to know what
3 our thoughts are on the environmental impact
4 statement.

5 Environmentally-wise, I don't see anything good.
6 Well, maybe certainly the jobs, the jobs that are
7 produced by the Indian businesses. It's nice
8 everybody has got a job. But as other people have
9 pointed out, other people don't have a job because of
10 this. You take from one, you give to another. The
11 person that's getting the money isn't paying the
12 taxes. If this expands, if they get their hold in, I
13 foresee large areas where no taxes will be collected.

14 I don't see any reason for this type of
15 situation to be limited to gasoline, cigarettes,
16 gambling. I understand some of the tribes have
17 Wal-Mart's, they have malls. Can the people of Seneca
18 County imagine this out here, this mall out here not
19 paying any taxes? Whoa. I see no -- I see nothing
20 to stop this.

21 And gentlemen, to tell you the truth, I am
22 concerned about you. I don't have a lot of trust
23 because of the publicity that has been going on about
24 the Bureau of Indian Affairs over the years. It's
25 had very poor publicity, and now you want me to give

1 - Babbitt -

2 you my opinion on environment. I don't have a lot of
3 trust in you. I think you ought to think about that.
4 I can't see this being a good thing.

5 Now if these businesses want to come in like
6 everybody else, and be my friend, and pay taxes, we
7 will show each other some respect. But, the
8 community coming in is going to have to start that.
9 Thank you.

10 LIST MONITOR: I would like to announce our
11 final four speakers: Lucinda McWeeney. Chad Hayden.
12 Ros Parks. And Richard Kidder.

13 MS. LUCINDA MCWEENEY: Good evening. I am
14 Lucinda McWeeney. I live on Route 89 in the Town of
15 Fayette. I have a PhD. in anthropology. I am a
16 professor in archeology, and historian. Last spring,
17 I attended the New York State Assembly's review
18 meeting in Syracuse regarding the Indian land claim
19 in New York State. At that time, the Cayuga clan
20 mother spoke clearly and precisely regarding the
21 tribe's not recognizing Clinton Halftown as their
22 federal representative. She declared that the Cayuga
23 Council never voted for him. Halftown is not
24 supposed to represent the tribe with the federal
25 government. So I ask you, the BIA, why are you

1 - McWeeney -

2 negotiating with him now? This process, placing land
3 in trust, is not officially at the Cayuga tribe's
4 request. The clan mother also clearly stated that
5 gambling is totally against the Cayuga people's
6 beliefs. The Cayuga tribe does not want gambling
7 casinos. Only a few members are promoting this.
8 Gambling is not part of their culture or their
9 traditions. It is a negative social and economic
10 impact. It will have nothing good to do for the
11 Cayuga Indians or for those of us who live and are
12 not Native American.

13 As I see it, there should be only one choice,
14 and that is for an alternative mission, which is no
15 trust. The Iroquois Nation, of which the Cayugas are
16 one of five tribes, speak a language that is totally
17 different from the rest of the native Americans in
18 northern North America. Archeologically speaking, we
19 still debate whether the Iroquois first settled in
20 New York State. I found it very interesting here,
21 that the earlier historians, before on the Iroquois
22 are known near Montreal and the St. Regis Reservation
23 in Canada. All I can say is that it bears much more
24 further archeological research to establish the
25 Iroquois homeland because linguistically, they are

1 - McWeeney -

2 not from here.

3 If for some reason this EIS scoping is to go
4 forward, I would like to be reassured that a full
5 archeological impact statement is made part of this
6 project. And I think that would very clearly show
7 you that there is a very short Cayuga history to this
8 area. But there are ten thousand years more of
9 non-Cayuga inhabitants in this part of the country.
10 Thank you.

11 MR. CHAD HAYDEN: Good evening. My name is Chad
12 Hayden. I am a resident of the Town of Aurelius. I
13 ask you to consider as part of your scoping decision
14 that you measure the demographics of the community in
15 which these facilities are asked to be located. In
16 looking at the 2000 Census, for example, there were
17 identified, self-identified as American Indians in
18 the Town of Springport: Three people out of a
19 population of 2,256. In Seneca Falls with a
20 population of 9,347 people, there were 21 individuals
21 who identified themselves as American Indians. Not
22 Cayugas. I don't know what the breakdown is among
23 the tribes but they identified themselves as American
24 Indians in the five towns that surround -- comprise
25 most of the land claim, there were about 20,000

1 - Hayden -

2 people. And there were, in the year 2000, 51 people
3 of those 20,000 who identified themselves as American
4 Indians. I ask you to measure that as part of your
5 scoping in terms of the impact that it has
6 sociologically as well as all of the other standard
7 measures of environmental impact. Thank you.

8 I would like to, Mr. Chair, cede the remaining
9 minute and-a-half of my time to Cindy Schlegel who
10 didn't get her time.

11 CHAIRMAN CHANDLER: She could. We have one or
12 two more people. Next, please.

13 MR. ROS PARKS: My name is Ros Parks, P-a-r-k-s.
14 I wish to thank you for this opportunity to speak
15 tonight. I will be very brief because the speakers
16 before me have covered what needs to be said. And
17 more to the point, to you, the BIA who need to be
18 heard. Mr. Halftown earlier said this evening, on
19 behalf of these tribes, that they would like to sit
20 down and discuss with county officials the
21 possibility of establishing a partnership of some
22 sort. I say, look around. Almost everyone in this
23 room is in a partnership with our respective town,
24 county, state and federal government. We pay our
25 taxes. We work with and for our governments. And

1 - Parks -

2 our governments are expected to work for and with us.
3 This is a partnership.

4 Also, Clinton Halftown talked about having a
5 bond or wanting to establish a bond. I, and me too,
6 have a bond with our land. This bond is renewed
7 every time we pay our taxes. We support all the
8 infrastructure. And in this country, we say that all
9 people are created equally. And there are --
10 everyone should be treated equally, with no
11 preference or prejudice based on race.

12 Please do not grant this application for this
13 land to be taken into trust. Thank you.

14 CHAIRMAN CHANDLER: Thank you. Next up.

15 MR. RICHARD KIDDER: My name is Richard Kidder,
16 K-i-d-d-e-r. I am a resident of Seneca Falls. I
17 have lived here for almost 40 years. Right now New
18 York State is the highest taxed state in the nation.
19 People are leaving every day. Creating new
20 industries and business in Seneca County hasn't
21 happened in over 40 years. The last was I.T.T.,
22 Goulds Pumps is on its way out. And like it or not,
23 a casino is going to be built here. It should be
24 built here. It would provide hundreds of new
25 construction jobs. In Verona -- all employees,

1 - Kidder -

2 according to the Post-Standard this past Sunday,
3 4,500 employees. The land claim in Sherrill, it was
4 settled by the Supreme Court. That was outside the
5 reservation. And that wouldn't apply here because
6 this is a reservation land. I'm not for or against
7 casinos nor the Indians. I am just a carpenter by
8 trade. But, as far as property taxes and sales
9 taxes, I think a fee in lieu for services because
10 they are going to need water and sewer and fire and
11 police and such, could be worked out.

12 As far as it being a casino and gambling: Look
13 around. Every convenience store in town has a Lotto
14 machine. You go into a restaurant and a bar, they
15 have Quickdraw. There is an OTB up the street. They
16 just put slots in a racetrack up in Farmington. So
17 gambling is here. And like I said, it's about -- all
18 I ever wanted to say other than we should at least
19 look at the casino being built here instead of
20 another area where they would get the jobs and the
21 benefits. Thank you.

22 CHAIRMAN CHANDLER: Thank you. Okay. At this
23 time, we don't have any other. People who would like
24 to add, to comment, or people that have not spoken
25 yet? It could be in the order of the people that

1 - Chandler -

2 have spoke. Do we have anyone new that has not
3 spoken yet? Okay.

4 VOICE: I am going to help you out.

5 MR. BLASER: If anybody would like to speak,
6 regardless of whether you have spoken or not, just
7 walk over to the young lady over there. Give her
8 your name, and she will call you in the order. Give
9 her your name. Is there anyone else?

10 CHAIRMAN CHANDLER: Would you like to speak
11 again?

12 LIST MONITOR: Darrell Carter will speak first.

13 MR. DARRELL CARTER: Thank you. First of all, I
14 have no problem -- this isn't an Indian problem. I
15 have no -- I don't blame them for trying to find a
16 way to make money, a lot of money. I blame the
17 government for allowing it to happen. As I said, I
18 have been here a long time. I have Indian blood in
19 me. It's not into a casino. But where I am going to
20 help you out is you're probably not going to get on
21 anybody's Christmas list here. It's been -- you have
22 a few citizens here, everybody is brow-beating here
23 pretty badly. But I tell you who gave me a Christmas
24 card, a huge Christmas present, is this Supreme
25 Court. They left the door open for you guys to turn

1 - Carter -

2 this all down. They said it's been too long, you
3 cannot checkerboard New York State. You can just
4 say, listen, we went to the Supreme Court. All you
5 have to do is, they hold the door, go through it.
6 It's off your guy's back.

7 CHAIRMAN CHANDLER: Thank you. Anybody else, if
8 you would like to speak?

9 MS. CINDY SCHLEGEL: Just a little bit. Thank
10 you for giving me this opportunity. Please don't
11 time me. My last paragraph was a concern for what
12 occurred in Oneida and having the same kind of impact
13 here.

14 You have held hearings in Oneida. The multi-
15 million dollar cash flow. The Oneidas would pay
16 property taxes and collect sales tax. And that
17 sounds pretty good but there is small print. They
18 will do that on 100 acres. The casino, hotel, shops,
19 restaurants and golf course would occupy the 100
20 acres. They will be tax exempt.

21 And I hope you took the time to tour around the
22 Turning Stone Casino. There is no new private
23 investment. It's a community that was once vital.
24 And it's just growing impoverished, more desolate --
25 that is from a lot of my customers that come to my

1 - Schlegel -

2 diner that report that. The many lakes in this
3 region are our more precious resource, it's the
4 life-blood of our local economies. I ask that you
5 not be a willing accomplice to the land grab which
6 would ultimately destroy us.

7 And finally, it's time to end the scandal. It's
8 time to end a policy of divisiveness. And above all
9 it's time to end the archaic and failed social remedy
10 called reservations. It's the 21st century. And we
11 are one land and one people. Thank you.

12 CHAIRMAN CHANDLER: Do you have anyone else?
13 Anyone who would like to add a comment?

14 If not, we will end the meeting. And every part
15 here, every comment that you give tonight is part of
16 the public record, and will be given full
17 consideration. The public scoping report will be
18 available to the public. Thank you. Good night.

19 (End of Hearing at 9:13 p.m.)

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- Hearing - 3/1/06 -

C E R T I F I C A T E

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, PATRICK J. REAGAN, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of New York, do hereby certify that the foregoing transcript of the Public Hearing, Seneca County, recorded at the time and place first above-mentioned, is true and accurate to the best of my knowledge, skill and ability.

Date: 3/6/06



Patrick J. Reagan, CSR
(315) 671-1086

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ATTACHMENTS

ATTACHMENT 1

REMARKS OF CLINT HALFTOWN, CAYUGA INDIAN NATION
COUNCIL MEMBER AND FEDERAL REPRESENTATIVE
AT BIA SCOPING MEETING
MARCH 1, 2006

THANK YOU, MR. CHANDLER. BIA STAFF, DISTINGUISHED PUBLIC OFFICIALS, AND HONORED GUESTS,

GREETINGS TO YOU ALL ON BEHALF OF THE MEMBERS OF THE CAYUGA INDIAN NATION OF NEW YORK. AS MR. CHANDLER HAS SAID, MY NAME IS CLINT HALFTOWN AND I AM THE HERON CLAN REPRESENTATIVE TO THE CAYUGA NATION COUNCIL AND THE NATION'S FEDERALLY RECOGNIZED REPRESENTATIVE. I AM ALSO THE NATION COUNCIL MEMBER CHARGED WITH OVERSIGHT OF LAKESIDE ENTERPRISES, THE NATION'S BUSINESS OPERATIONS, AND REPATRIATION OF OUR LANDS.

I AM GLAD THAT YOU COULD ALL BE WITH US TONIGHT TO PROVIDE YOUR COMMENTS ON OUR NATION'S APPLICATION TO HAVE ITS LAND--- ABOUT 125 ACRES OF LAND---PLACED INTO TRUST WITH THE FEDERAL GOVERNMENT.

WE HAVE NOT ACTIVELY ENCOURAGED A HUGE OUTPOURING OF SUPPORT FROM OUR NATION MEMBERS OR NATION EMPLOYEES OR OUR CUSTOMERS SO THAT EACH MEMBER OF THE COMMUNITY WOULD HAVE AN OPPORTUNITY TO SPEAK. THE BIA AND THE PUBLIC ARE, I AM SURE, AWARE THAT THE CAYUGA NATION PROVIDES JOBS TO RESIDENTS, PAYMENTS TO LOCAL VENDORS AND VALUE TO OUR CUSTOMERS.

THE CAYUGA NATION'S APPLICATION TO HAVE ITS LAND TAKEN INTO TRUST IS A RIGHT GRANTED TO US UNDER FEDERAL LAW. THE SUPREME COURT ACKNOWLEDGED THAT INDIAN TRIBES HAVE THIS RIGHT WHEN IT WROTE ITS DECISION IN THE SHERRILL CASE.

IN PROVIDING YOUR COMMENTS ON OUR APPLICATION, YOU SHOULD BASE YOUR OPINION ON THE FACTS. PLEASE DO NOT RELY ON SOME PRE-CONCEIVED NOTION OF WHAT WE ARE ASKING FOR OR WHAT THE ACCEPTANCE OF THIS LAND INTO TRUST WOULD MEAN FOR OUR NATION AND FOR THE COMMUNITIES IN WHICH OUR LAND SITS.

HERE IS WHAT I THINK YOU SHOULD KNOW ABOUT OUR NATION AND OUR LAND.

FIRST, WE ARE A SMALL NATION THAT OWNS VERY LITTLE LAND IN COMPARISON TO LARGER INDIAN NATIONS AND EVEN IN COMPARISON TO OTHER PUBLIC AND PRIVATE LANDOWNERS IN SENECA AND CAYUGA COUNTIES.

THE CAYUGA INDIAN NATION IS COMPOSED OF LESS THAN 500 MEMBERS. WE ARE MADE UP OF DESCENDANTS OF THE CAYUGA WHOSE ABORIGINAL TERRITORY INCLUDED CENTRAL NEW YORK. IN THE 1794 TREATY OF CANANDAIGUA, THE FEDERAL GOVERNMENT ESTABLISHED A RESERVATION FOR OUR NATION CONSISTING OF 64,000 ACRES IN THIS AREA. AFTER 25 YEARS OF ATTEMPTING TO RESOLVE OUR LAND CLAIM WITH THE STATE OF NEW YORK, WE HAVE YET TO RECEIVE THE LAND WE ARE ENTITLED TO.

ALL OF THE LAND WE ARE SEEKING TO PLACE INTO TRUST WAS PURCHASED ON THE OPEN MARKET BY OUR NATION FOR FAIR MARKET VALUE. THESE 125 ACRES OF LAND WE HAD TO PURCHASE IS BUT A TINY FRACTION OF THE 64,000 WE WERE GRANTED BY A TREATY WITH THE UNITED STATES. WE BOUGHT THIS LAND BECAUSE OUR NATION SEEKS A RETURN TO ITS ABORIGINAL HOMELANDS, HOMELANDS WHICH REMAIN HISTORICALLY AND CULTURALLY SIGNIFICANT TO OUR PEOPLE.

AS MANY OF YOU KNOW, THE NATION PRESENTLY OPERATES TWO GAS STATIONS/CONVENIENCE STORES, ALONG WITH A CAR WASH, IN SENECA FALLS AND UNION SPRINGS. UNTIL RECENTLY, THE NATION ALSO OPERATED TWO CLASS II GAMING FACILITIES ON THESE LANDS. WE HAVE TEMPORARILY SUSPENDED OPERATIONS AT THESE GAMING FACILITIES.

ALL OF THESE BUSINESS ACTIVITIES HAVE OPERATED SUCCESSFULLY FOR THE PAST THREE YEARS WITHOUT INCIDENT AND HAVE BEEN VERY POPULAR WITH OUR CUSTOMERS. SO WE DO NOT BELIEVE THAT THE TAKING OF THIS LAND INTO TRUST WILL HAVE ANY ADVERSE EFFECT ON THE ENVIRONMENT.

AND FOR THOSE OF YOU WHO ARE UNDER THE MISTAKEN IMPRESSION THAT THE NATION HAS NOT PAID ITS REAL ESTATE TAXES, I WOULD LIKE TO SAY TWO THINGS.

FIRST, ALL OF THE NATION'S REAL ESTATE TAXES HAVE BEEN PAID. IN FACT, AS THE BIA WILL TELL YOU, OUR LAND CANNOT BE TAKEN INTO TRUST UNLESS THE TAXES ARE PAID.

SECOND, PERHAPS YOU HAVE NOT THOUGHT ABOUT THE MANY LANDOWNERS IN SENECA AND CAYUGA COUNTIES---MANY OF WHOM OWN CONSIDERABLY MORE LAND THAN OUR NATION DOES---WHO DO NOT PAY TAXES OR HAVE AGREEMENTS TO PAY MUCH LESS IN TAXES THAT THE REST OF YOU MIGHT PAY.

THE FACT IS THAT THERE ARE DOZENS OF PROPERTIES IN CAYUGA AND SENECA COUNTIES THAT ARE EXEMPT FROM TAXES. EVEN A CURSORY SEARCH OF TAX RECORDS REVEALED SOME THREE DOZEN PROPERTIES TOTALING SOME 900 ACRES, AND WITH A COMBINED ASSESSED VALUE OF OVER \$100 MILLION THAT ARE WHOLLY EXEMPT FROM TAXATION RESULTING IN LOST REVENUE TO THESE COUNTIES.

THE NEXT MISCONCEPTION YOU HAVE HEARD ABOUT IS THAT THE TAKING OF THIS LAND INTO TRUST WILL CREATE WHAT HAS BEEN CALLED A "PATCHWORK" OR "CHECKERBOARD" EFFECT. THIS IS NOT TRUE EITHER.

IF YOU LOOK AT THE MATERIALS YOU HAVE BEEN PROVIDED TONIGHT YOU WILL SEE HOW MANY ACRES WE ARE TALKING ABOUT AND WHERE THIS PROPERTY IS. FIRST OF ALL, THE FACT IS THAT WE ARE ONLY TALKING ABOUT 125 ACRES OF PROPERTY. SECOND, OUR PROPERTIES ARE NOT SCATTERED ALL OVER. THIRD, WE HAVE BEEN OPERATING OUR BUSINESSES, OUR GAS STATIONS, CONVENIENCE STORES, AND GAMING FACILITIES FOR 3 YEARS WITHOUT ANY INCIDENTS. WE HAVE BEEN A FRIEND TO THE COMMUNITIES WHICH HOST OUR BUSINESSES AND THESE BUSINESSES HAVE BEEN VERY POPULAR WITH THE PUBLIC.

THE LAST, AND PERHAPS MOST IMPORTANT THING YOU SHOULD KNOW, IS THAT THE CAYUGA NATION WANTS TO BE AN ACCEPTED AND WELCOME CITIZEN IN YOUR COMMUNITY. WE HAVE PUBLICLY OFFERED TO SIT DOWN WITH ELECTED OFFICIALS IN SENECA AND CAYUGA COUNTIES TO WORK OUT AN ECONOMIC PARTNERSHIP. OUR DOOR HAS ALWAYS BEEN OPEN, BUT, FRANKLY, WE HAVE FOUND LITTLE INTEREST ON THE PART OF YOUR PUBLIC OFFICIALS.

WE KNOW THAT GAMING IS A CONTROVERSIAL ISSUE AND IT IS A MATTER OF CONTROVERSY WITHIN OUR OWN NATION. INDIAN GAMING IS A MATTER OF FEDERAL LAW. I AM RESPONSIBLE FOR THE MANAGEMENT OF OUR NATION'S GAMING FACULTIES BECAUSE I AM THE NATION'S FEDERAL REPRESENTATIVE AS WELL AS THE MEMBER OF THE NATION COUNCIL CHARGED WITH THE MANAGEMENT OF OUR BUSINESSES. I AM REPRESENTING THE INTERESTS OF THE CAYUGA NATION IN THIS APPLICATION BECAUSE THE TAKING OF OUR NATION'S LANDS INTO TRUST IS ALSO A MATTER OF FEDERAL LAW.

WE KNOW THAT GAMING IS A CONTROVERSIAL ISSUE AND IT IS A MATTER OF CONTROVERSY WITHIN OUR OWN NATION. INDIAN GAMING IS A MATTER OF FEDERAL LAW. I AM RESPONSIBLE FOR THE MANAGEMENT OF OUR NATION'S GAMING FACULTIES BECAUSE I AM THE NATION'S FEDERAL REPRESENTATIVE AS WELL AS THE MEMBER OF THE NATION COUNCIL CHARGED WITH THE MANAGEMENT OF OUR BUSINESSES. I AM REPRESENTING THE INTERESTS OF THE CAYUGA NATION IN THIS APPLICATION BECAUSE THE TAKING OF OUR NATION'S LANDS INTO TRUST IS ALSO A MATTER OF FEDERAL LAW.

ATTACHMENT 2

Seneca County
BOARD OF SUPERVISORS

1 DIPRONIO DRIVE
WATERLOO, NEW YORK 13165

PHONE: 315-539-1700
FAX: 315-539-0207



Franklin Keel, Regional Director
Eastern Regional Office, Bureau of Indian Affairs
U.S. Dept. of the Interior
545 Marriott Drive, Suite 700,
Nashville, Tennessee 37214

**RE: DEIS Scoping Comments
Cayuga Indian Nation of New York
Trust Acquisition Project**

**Text of testimony of Hon. Robert Shipley, Chair, Seneca County Board of Supervisors, to be presented at the public scoping meeting held at the New York Chiropractic College, 2360 State Route 89, Seneca Falls, NY 13148
March 1, 2006**

My name is Robert Shipley. I have the privilege of serving as Chairman of the Seneca County Board of Supervisors. On behalf of my colleagues, we welcome the Department of Interior to Seneca County this evening.

We recognize the task that confronts your agency in determining the fate of the Cayuga Nation's Land into Trust application. Indeed, the Department has great power regarding this decision. We respectfully submit, however, that with great power comes great responsibility. This responsibility IS NOT ONLY to our Native American friends. It is also to the landowners, businesses and future generations of our diverse community.

We understand that you are concerned with many potential impacts in this process, including environmental. We submit that the environment is more than just the natural resources of an area. It is the culture, values, business climate, and every other aspect of the community.

It is our position that the trust process should not, does not, and cannot apply to populated residential areas in the northeast. While we have great respect for the Native American culture, we do not believe that unfair competition with local business or special rights to gambling are necessary to preserve any culture. Furthermore, we do not believe the spirit of American equality should be circumvented, to grant special privileges based on race or ethnicity.

Removing land owned by the Nation from local tax rolls would have a significant adverse effect on our county. In our written response to the application, we noted that our future losses are estimated at up to \$3.75 million if the trust application is granted.

Chairman
Robert Shipley
Town of Waterloo

Covert
Michael G. Reynolds

Fayette
Edward L. Barto
Finance Director

Junius
Dale Smith

Lodi
J. Barry O'Neill

Ovid
David Dresser

Romulus
David M. Kaiser
Majority Leader

Seneca Falls
Peter W. Same
Minority Leader

Seneca Falls
Sean Anglim

Seneca Falls
Chuck Lafler

Tyre
Patricia Amidon

Varick
Joan E. Teichner

Waterloo
James H. Mooney

Waterloo
Fred Trickler

County Attorney
Steven Getman

Clerk
Margaret E. Li

Deputy Clerk
Kathryn A. Peterson

Our issue is not about "past due taxes." Our fundamental concern is how our residents can be held harmless, in relation to taxes that will never be paid.

In addition, we believe that taking noncontiguous lands in two separate counties into trust will harm our community. The Nation's land uses, particularly related to gaming, are inconsistent with local land-use policies. Allowing a checkerboard reservation will significantly affect local services, increasing their costs. This cost will not be borne by the federal government, or the Cayugas, but by the hard-working residents of our small community.

Seneca County welcomes the Cayugas to live and work here as our neighbors, under the same rights and responsibilities as any other members of our community. Clearly, the Cayugas can re-establish a presence in New York and run successful businesses without transferring properties to the United States and putting others at a competitive disadvantage.

As Board Chairman, it is my duty to the residents of Seneca County to present our county government's unified position regarding this trust application.

Let the record show the Seneca County Board of Supervisors opposes this application and strongly urges the Department of Interior to deny the Cayuga Nation's petition.

Thank you for your attention.

Sincerely,

Robert Shipley

/st

ATTACHMENT 3



George Fearon
Cayuga County Legislator
District 7

5641 State Route 90N
Cayuga, N.Y. 13034

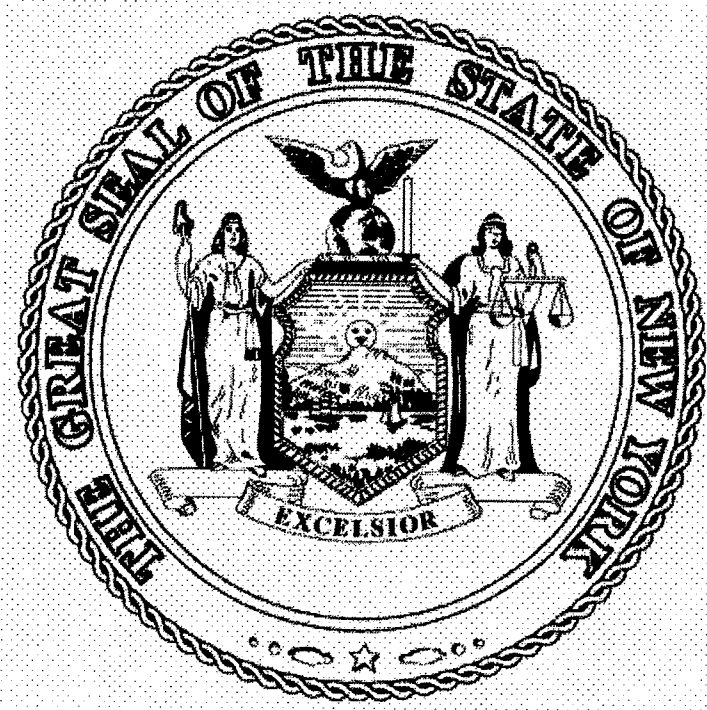
Phone: (315) 889-5585
Fax: (315) 253-1586

E-Mail: gfearon@rochester.rr.com
Web Page: <http://home.rochester.rr.com/gfearon/>

ATTACHMENT 4

DEIS Scoping Comments
from
**New York State Senator
Michael F. Nozzolio**

Cayuga Indian Nation of
New York Trust Acquisition Project



*New York Chiropractic College
Seneca Falls, New York
March 1, 2006*

Regional Director Franklin Keel and members of the Federal Bureau of Indian Affairs:

I am New York State Senator Mike Nozzolio, and I welcome you to New York State, my home county of Seneca, and my hometown of Seneca Falls where I was born and raised and have served in the New York State Legislature for the last twenty-four years. My home is now and always has been in the Cayuga Indian land claim.

I greatly appreciate the opportunity to speak directly to you, and **implore you to reject the Cayuga's application for trust status as a matter of law and sound public policy.**

I. REPRESENTING THE HOMEOWNERS IN THE CAYUGA INDIAN LAND CLAIM FOR MORE THAN A QUARTER CENTURY:

- Over the past twenty-eight years I have worked as an advocate, first on the staff of Congressman Gary Lee then as an elected representative, for the people of Cayuga and Seneca Counties who, through no fault of theirs have been living with the nightmare of losing their homes and property to the Cayuga Indians who are suing for land and money for something that allegedly failed to take place two hundred years ago;
- Throughout the years I have stood proudly with the counties and local taxpayers to oppose the land and money grab of the Cayuga Indian Nation and the United States Department of Interior in their attempts to coerce the State of New York and local governments to create a reservation;

- I have sought to do everything within my power and authority as a New York State Senator to support the counties of Cayuga and Seneca in opposing the trust application of the Cayuga Indians; and echo loudly to you the counties' sentiments strongly opposing this application because:
 - it's detrimental impact on the area's tax base;
 - it's significant strain on local and state environmental, zoning and land use law;
 - it's creation of an unfair business environment, and
 - it would establish a confusing application of criminal law, resulting in an uneven and unfair justice system.
- I was proud to author, sponsor and enact legislation that has become New York Law that requires the collection of taxes on retail sales of cigarettes and gasoline sold by Native Americans to non-Native Americans. Unfortunately, the New York Tax Department has chosen not to implement this law. This lack of enforcement will cost New Yorkers more than \$400 million per year. Already, we have seen businesses open up offering cut-rate gasoline and tobacco products... What is to stop the Cayuga Nation from opening up a tax-free auto dealership or grocery store if their trust application is approved?
- Today, March 1, 2006 is the first day this new law is effective. Today I have asked the Attorney General of New York State, Elliot Spitzer, bring the force of his office upon the State Tax Department to enforce this valid law to level the playing field for tax paying businesses here in Seneca and Cayuga Counties.

II. NO STATUTORY OR CONSTITUTIONAL AUTHORITY EXISTS TO GRANT THIS APPLICATION

- Cayuga and Seneca Counties and their attorneys have submitted extensive legal briefs stating in great detail that clearly demonstrates the Cayuga Nation's trust application should be denied as inappropriate under current Federal law;
- Under the Indian Reorganization Act of 1934, Congress established the "land in trust" process to restore the tribal lands lost through death, divorce, forfeiture and the like. Because the Cayugas voluntarily sold their land to New York State, the "land-in-trust" process would not apply;
- I implore the Bureau of Indian Affairs to review these arguments submitted by Cayuga and Seneca Counties as appropriate guide posts to reject the Cayuga Indian Nation's request to put land they recently acquired in trust status;
- The testimony to the Bureau of Indian Affairs that will be provided by Mr. Harry Pettingill, is the result of years of extensive historical research, and should also be given significant weight by the Bureau in making its decision. Mr. Pettingill's research puts the actions of the Cayuga Indian Nation throughout history in sequence, and clearly demonstrates why there is inadequate historical validity to the Cayuga Indian Nation's application;

III. THE UNITED STATES BUREAU OF INDIAN AFFAIRS SHOULD NOT ALLOW “BACK-DOOR SOVEREIGNTY”

- The United States Federal District Court did not order an Indian reservation to be created for the Cayugas in New York State;
- The United States Federal District Court of Appeals has dismissed the Cayuga’s land claim;
- The United States Congress has refrained from creating a Cayuga Indian Reservation in New York State even though it has the legal power and authority to create one;
- What the Federal Courts and the United States Congress have refused to establish directly through the front door, the Bureau of Indian Affairs should not establish indirectly through the back door. Do not engage in back-door sovereignty.
- Only the Federal Courts and the Congress of the United States should be the appropriate forums to conduct such a review, and our laws entrust only the Congress of the United States with the power and authority to create an Indian reservation.

IV. NEW YORK STATE SENATE ACTION

- In April 2005, I authored a letter to Director Pat Ragsdale of the Federal Bureau of Indian Affairs, voicing my strong opposition to the Cayuga’s trust application and called for the Bureau of Indian Affairs to reject any application from the New York Cayugas and Seneca-Cayugas of Oklahoma; (Letter attached: Exhibit A)

- Also last April, I along with my New York State Senate colleagues enacted a Legislative Resolution to adopt calling for the United States Department of the Interior to reject the application of the Cayuga Indian Nation to place their real estate holding in trust or declared “restricted fee”;(Resolution attached: Exhibit B)

It is my hope and prayer you will not checkerboard the future of this region by establishing an unfair and uneven system of law and policies. I implore you to reject this trust application of the Cayuga Indian Nation of New York. Thank you.

EXHIBIT A

THE SENATE
STATE OF NEW YORK

CHAIRMAN
CRIMINAL JUSTICE
CORRECTION CODE UNIT



COMMITTEES
FINANCE
BANKS
CONSUMER PROTECTION
RACING GAMING & CASINO
TOURISM, RECREATION &
SPORTS DEVELOPMENT
TRANSPORTATION

SENATOR
MICHAEL F. NOZZOLIO
54TH DISTRICT

April 15, 2005

Pat Ragsdale, Director
Federal Bureau for Indian Affairs
1849 C Street NW
MS-4141-MIB
Washington, D.C. 20240

Dear Director Ragsdale:

In light of the recent U.S. Supreme Court decision in *The City of Sherrill v. Oneida Indian Nation of New York*, I am respectfully calling for the Bureau of Indian Affairs to reject applications from the Cayuga Indian Nation and the Seneca-Cayuga tribe of Oklahoma to place lands located in New York State in a federal trust.

The Supreme Court decision stated that the Oneida Indian tribe must pay property taxes and obey local laws on former ancestral land they have reacquired. The Court was very clear in their decision, ruling that a tribe cannot re-acquire property that they left 200 years ago and then claim sovereign status for the property. As Justice Ginsburg stated in the decision:

“Given...the Oneidas’ long delay in seeking judicial relief against parties other than the United States, we hold that the Tribe cannot unilaterally revive its ancient sovereignty, in whole or in part, over the parcels at issue. The Oneidas long ago relinquished the reins of government and cannot regain them through open-market purchases from current titleholders.”

This decision directly affects the status of the Cayuga Indians and Seneca-Cayuga tribes’ land claim case that is currently under review in Federal court.

-continued-



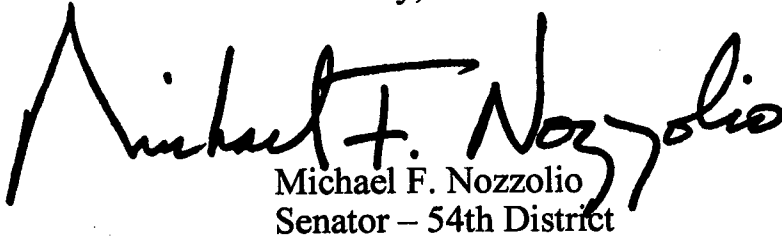
As the Sherrill case undermines their claim to sovereignty, these tribes are now considering applying to put their land in trust with the federal Bureau of Indian Affairs. As you know, gaining that designation would make the tribe's real estate holdings permanently sovereign and tax-free.

As the State Senator representing constituents in the land claim area, I am adamantly opposed to this. After reading the Supreme Court decision, I strongly believe that the law is clear: Indian tribes must pay property taxes like any other business venture making money in New York. If these tribes continue to buy land, they should be treated like any other land developer and they should pay taxes.

Again, I respectfully request that the Bureau of Indian Affairs reject applications from the Cayuga Indian Nation and Seneca-Cayugas tribe of Oklahoma to put their land into a federal trust.

With best wishes.

Sincerely,



Michael F. Nozzolio
Senator – 54th District

State of New York

Legislative Resolution



Senate No. 1529

BY: Senators Meier and Nozzolio

CALLING upon the United States Department of the Interior to reject the application by the Oneida Indian Nation of New York to place lands in trust and to reject the application by the Cayuga Indian Nation of New York to place their real estate holdings in trust or declared "restricted fee"

WHEREAS, The Oneida Indian Nation of New York has filed an application with the United States Department of the Interior pursuant to Title 25 U.S.C. Section 465 authorizing the Secretary of the Interior to hold in trust on their behalf some 17,000 acres of land located in the counties of Oneida and Madison within the State of New York; and

WHEREAS, The Cayuga Indian Nation of New York has followed the lead of the Oneida Indian Nation of New York and filed an application with the United States Department of the Interior to place their real estate holdings in trust or declared "restricted fee," within the 64,015 acres of the Cayuga Indian Nation's land claim in the counties of Cayuga and Seneca; and

WHEREAS, Heretofore the Oneida Indian Nation of New York has purchased and acquired title to the same 17,000 acres, more or less, which are the subject of the above-mentioned application, and taken the position that such purchases constituted reacquisition of Oneida Indian Nation aboriginal lands or lands within their original reservation; and

WHEREAS, The Oneida Indian Nation of New York has taken the position that such so-called reacquired land then assumed the character of "Indian country" or land over which the Oneida Indian Nation exercised sovereignty, so that they substantially refused to recognize the sovereignty of the State of New York to enforce its laws and regulations, including but not limited to, the collection and remittance of real property taxes and assessments, as well as taxes on sales and other business transactions imposed by the State of New York and its political subdivisions; and

WHEREAS, The position of the Oneida Indian Nation of New York, with regard to such so-called reacquired land, also rejected the ability of the State of New York and its political subdivisions to exercise sovereignty with regard to numerous other issues, including, but not limited to, land use control, building and fire codes, health regulations, and other areas; and

WHEREAS, The position of the Oneida Indian Nation of New York as set forth above with regard to certain parcels of land acquired within the City of Sherrill resulted in litigation between the City of Sherrill and the Oneida Indian Nation of New York with regard to whether the Oneida Indian Nation of New York could purchase land within its original area and thereafter reassert tribal sovereignty, to the exclusion of the ability of the State of New York and its political subdivisions to exercise sovereignty or assert jurisdiction with regard to the matter set forth above; and

WHEREAS, On March 29, 2005, the Supreme Court of the United States, pursuant to an opinion written by Justice Ruth Bader Ginsburg, by a vote of 8 to 1, held that the Oneida Indian Nation of New York could not unilaterally revive its ancient sovereignty, in whole or in part, over the parcels of land at issue by the process of purchasing them on the open market, having long ago relinquished the reins of government; and

WHEREAS, The Court left undisturbed prior judicial rulings that the Oneida Indian Nation of New York has a valid land claim for which it is due compensation, but explicitly rejected the argument that purchasing land within the land claim area restored the Oneida Indian Nation's ancient sovereignty; and

WHEREAS, The Supreme Court noted in the course of its decision that permitting unilateral reestablishment of present and future Indian sovereign control would have disrupting practical consequences; a checkerboard of state and tribal jurisdiction would seriously burden the administration of state and local government and would adversely affect land owners neighboring the tribal patches; and

WHEREAS, The Court recognized that the ability to unilaterally reassert sovereign control and remove land parcels from tax rolls would also open the door for such parcels to be freed from local zoning or other regulatory measures which protect adjoining land owners; and

WHEREAS, The decision of the Court recognizes the practical impossibility for the State of New York and its political subdivisions to exercise jurisdiction and sovereign power over an alternating patchwork of land where Indian and non-Indian ownership from one parcel to the next creates different patterns of taxation, land use, and police powers; and

WHEREAS, The pending trust application of the Oneida Indian Nation of New York seeks to use the administrative processes of the Federal Government to overturn the United States Supreme Court decision in the City of Sherrill vs. The Oneida Indian Nation of New York and set aside the legitimate interests of the government of the State of New York and its political subdivisions as well as the interests and protections due to their citizens; and

WHEREAS, The Cayuga Indian Nation's land claim is directly affected by the United States Supreme Court decision in City of Sherrill vs. The Oneida Indian Nation of New York, and such designation by the United States Department of the Interior would allow the Cayuga Indian Nation to never pay taxes or obey the laws and regulations of state and local governments on their properties; and

WHEREAS, The provisions of federal law establishing the trust land process contemplate a deliberative review considering the legitimate interests and needs of the Indian applicant, as well as the legitimate interests and needs of state and local governments, as well as local citizens and property owners; and

WHEREAS, The pending applications of the Oneida Indian Nation of New York and Cayuga Indian Nation of New York are a wholesale attempt to set aside and avoid those considerations legitimately required by federal law; and

WHEREAS, The applications are made at a time when the Oneida Indian Nation of New York, the Cayuga Indian Nation of New York, and the State of New York still have numerous pending issues with regard to the settlement of the Oneida Indian Nation's land claim, the Cayuga Indian Nation's land claim, the taxable status of land acquisitions, Indian commercial activities and other related issues; and

WHEREAS, The legitimate interests of the Oneida Indian Nation of New York, the Cayuga Indian Nation, the State of New York and its political subdivisions and the citizens thereof can be protected and preserved with agreed-upon and much more limited trust applications than that presented by the Oneida Indian Nation of New York and the Cayuga Indian Nation of New York at the present time; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to call upon the United States Department of the Interior to reject the pending application of the Oneida Indian Nation of New York for the establishment of a trust, comprising more than 17,000 acres of lands currently owned by the Oneida Indian Nation of New York, upon the grounds that it violates essential principles of equity, justice, fair play and due consideration to the sovereign rights of the State of New York and its political subdivisions pursuant to the decision of Justice Ruth Bader Ginsburg in City of Sherrill vs. The Oneida Indian Nation of New York; and be it further

RESOLVED, That this Legislative Body pause further to call upon the United States Department of the Interior to reject the pending application of the Cayuga Indian Nation of New York to place their real estate holdings in trust of declared "restricted fee"; and be it further

RESOLVED, That granting such applications would precisely create the kind of checkerboard jurisdictional chaos which the courts sought to avoid; and be it further

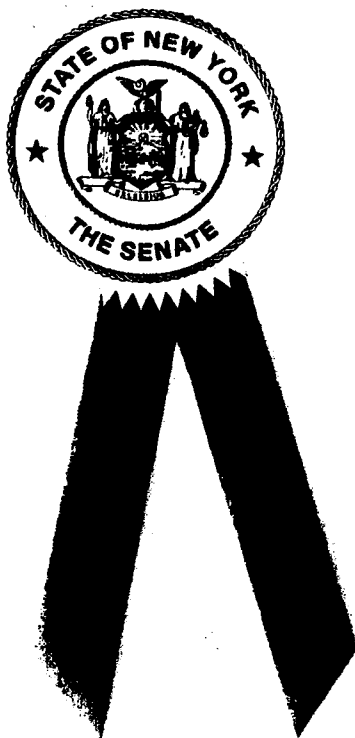
RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to President George W. Bush, the Secretary of the Department of the Interior of the United States of America, and to the members of the New York State Congressional delegation.

ADOPTED IN SENATE ON
April 19, 2005

By order of the Senate,



Steven M. Boggess, Secretary



ATTACHMENT 5

Oral Testimony **Bureau of Indian Affairs Public Scoping Meeting**
March 1, 2005

My name is Peter Same and I am Supervisor of the Town of Seneca Falls, where the parcels the Cayuga Nation owns in Seneca County are located. Our county has been opposing the land claim of the Cayugas since 1980, and the trust application you have before you is a mere extension of that claim. It was first filed April 14, 2005, less than three weeks after the U. S. Supreme Court sided 8-1 with the City of Sherrill (NY) and told the Oneida Indian Nation that it could not assert sovereignty over land it owned in Madison and Oneida counties. We do not feel that the Bureau of Indian Affairs should grant sovereignty to land the Cayuga Nation owns in Cayuga and Seneca counties.

In June 2005 the Second Circuit Court of Appeals dismissed the claim of the Cayuga Indian Nation of New York and the Seneca-Cayuga Tribe of Oklahoma to sovereign land in our counties, and now the Nation is attempting to obtain sovereign land through the trust process. The Second Circuit Court said in its majority opinion, "The Supreme Court's recent decision in City of Sherrill has dramatically altered the legal landscape against which we consider plaintiff's claims." We respectfully suggest to the BIA that the landscape against which it should consider trust applications also changed with that decision.

The Federal Register mentioned areas identified for analysis in an Environmental Impact Statement: land and water resources, traffic, air quality, cultural and archeological resources, socioeconomic conditions, and public services. We are concerned about property tax losses affecting our county, towns, and schools, sales tax losses that translate into higher property taxes, unfair competition with business and charitable organizations, health and safety issues, code enforcement, law enforcement, environmental protection, fire protection, educational and social service impacts, land use, utility easements, water and sewer infrastructure, hunting and fishing rights, and, perhaps at the top of the list, gaming.

In the Sherrill decision, the Supreme Court recognized these as "disruptive practical consequences" of sovereignty. It stated, "A checker-boarding of alternating state and tribal jurisdictions in New York would 'seriously burden the administration of state and local governments' and would adversely affect landowners in the area." It went on to say, "Little would

prevent the Tribe from initiating a new generation of litigation to free the parcels from local zoning or other regulatory controls that protect all landowners in the areas." The Court even referred to the Cayuga Nation's effort to avoid zoning regulations in the Cayuga County Village of Union Springs, and stated "the balance of interests' supports continued zoning jurisdiction."

Our Town urges the BIA to heed the warnings of the Supreme Court about imposing sovereignty on settled communities such as we have in Cayuga and Seneca counties. Although the land area the Cayugas now want put into trust may not be large, the parcels are not contiguous, and we are concerned about the Cayugas growing their reservations once any land is taken in trust. Thank you for listening.

ATTACHMENT 6



LAND IN TRUST POSITION

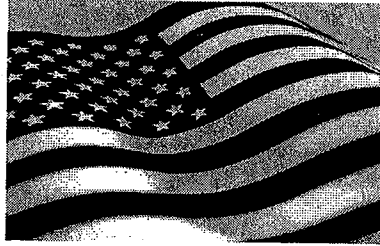
Statement by Brad Jones previously presented at Madison and Oneida County BIA Hearings.

Regardless of your legislative priorities, whether it be economic development, education, or health care, everyone in this area must realize that if the Indian Nations are successful at putting land into trust, funding for all of these initiatives will disappear and this area will become a wasteland occupied by gambling parlors and social service agencies.

Without a doubt, this is the most important government issue facing us in Upstate New York today, and I call on all elected officials at both the State and Federal level to clearly and publicly state their opposition to this process of placing land in trust. The US Supreme Court and the 2nd US Circuit Court of Appeals have made it perfectly clear that non-reservation land does not have sovereign nation status and must pay taxes and follow applicable laws just like every one else. No one should be allowed to violate this mandate by placing lands in trust.

As a Candidate for Congress in the 24th Congressional District, I am absolutely opposed to allowing any Indian Nation to place land in trust in this State, and ask that Congressman Boehlert and anyone else seeking this position to publicly declare, as I am doing today, their opposition to this process. Congressman Boehlert must do more than ask for hearings and to extend deadlines. These gestures are meaningless if they do not stop this process. As a voter in his District, I need to know whether he is for or against Indian Nations putting land into trust.

If elected, I will make stopping the land in trust process my number one priority, and challenge Congressman Boehlert to clearly and publicly state his position on this issue. He and every other State and Federal official need to publicly tell the constituents of this District exactly what they will do to uphold the rulings of the US Supreme Court and to equally enforce the laws of this great land.



JONES FOR CONGRESS

**“NO SOVERIGN NATION,
NO RESERVATION”**

(see Land in Trust Position on reverse side)

24th Congressional District Candidate

Primary Sept. 12, 2006

Election November 7, 2006

Website: www.jones2006.com

E-mail Address: brad.jones@jones2006.com

Office Address: 97 Fall St., Seneca Falls, NY 13148

Office Phone: 315-568-4693

Office Fax: 315-568-4692

ATTACHMENT 7

Fiscal Impact

NYS Fiscal Report Card as Per the State Education Department, 2003-04

Spending Per Pupil for General Education: \$5,823
Spending Per Pupil for Special Education: \$16,973

School-Age Students w/Disabilities Classification: 11.9%

Our potential situation in Seneca Falls cannot be compared to the LaFayette Central School District given the LaFayette CSD has an established Indian Nation School (Onondaga) within its district boundaries. Given the aforementioned the District contracts with the Onondaga Nation, through the State Education Department, to administratively run its school. Consequently, the State Education Department provides extra funding to the District Office for its responsibility of overseeing the financial and administrative operation of the Nation School.

Mr. Mark Mondanaro, the Superintendent, states the Nation School is K-8 and upon graduation the students are eligible to attend LaFayette High School. The non-resident tuition formula does provide additional monies to the District for each Native American, from the Reservation, to attend the High School

Given the Cayuga Nation and the Seneca-Cayuga Tribe do not either have a recognized reservation or a Nation School within our District boundaries any student from the Cayuga Nation and the Seneca-Cayuga Tribe, ages 5-21, who has not received a high school diploma and resides within the District boundaries and said residence is in the Trust Land area, he/she is entitled to receive all educational and transportation services of the District. Mr. Steven Stowe, from the Bureau of Native Americans in the State Education Department, explained State monies are only funneled to the District IF the student(s) resides on a state recognized reservation. State monies will not be granted to the District if a student and his/her family resides in the Trust Land area and then subsequently enrolls in one of our District schools.

Consequently, the Seneca Falls Central School District would not receive any monies from the State because the land in question is not being designated as a reservation. The aforementioned decision means the District would lose approximately \$3,700 for each prospective K-6 student and \$6,200 for each 7-12 student per the current formula.

It must be noted the above occurs IN ADDITION TO THE CURRENT LOSS OF \$14,238 IN SCHOOL TAXES.

A handwritten signature in black ink, appearing to read "D. M. ...", is written in a cursive style. The signature is positioned to the right of the text above it.

ATTACHMENT 8

My name is David Dresser. I am a member of the Seneca County Board of Supervisors and Chairman of its Indian Land Claim Committee. I offer eight reasons why the BIA should not take Cayuga or Seneca county land into trust for the Cayuga Indian Nation.

1. The Indian Reorganization Act of 1934, which set up the trust process, was designed to restore to Indian tribes land lost due to allotment to individual Indians, but the Cayugas did not lose their land through allotment; they sold it to the State, thus their trust application should not be honored because it does not fall within the legislative intent of Congress.
2. By court determination the Cayugas do not have a reservation in New York State, and according to an April 21, 1959 memo to all Area Directors and Superintendents from the then Commissioner of Indian Affairs, "When the land being acquired is within the reservation boundary, the land will be taken in a trust status... If the land acquired by the tribe is outside the reservation boundary, title to it will be taken in fee...."
3. In its landmark decision in favor of the City of Sherrill vs. the Oneida Indian Nation, the U. S. Supreme Court acknowledged the trust mechanism of the Department of Interior, but it stressed, and I quote, "reestablishment of present and future Indian sovereign control, even over land purchased at the market price, would have disruptive practical consequences." The Court was especially concerned when parcels were checker-boarded, as in our two counties.
4. As Senator Charles Schumer has said, "The whole idea of national trust was not designed for densely populated areas... The trouble with Indian law, quite frankly, is that it was made for the West and is now fundamentally being applied to the East. It doesn't apply to Cayuga County and to Seneca County."
5. Senator Schumer has also said, "Should we find a way to treat the Indians? Yes, but that shouldn't be the burden of Cayuga and Seneca counties. That should be the burden of the federal government and the state government." Placing land into trust for the Cayuga Nation will forever burden the innocent citizens of Cayuga and Seneca counties.
6. The Cayuga Indian Nation currently has a serious, acknowledged, and documented leadership dispute, principally over the issue of gaming, and as a result it has not submitted a tribal resolution in support of its trust application. We question why the BIA is even holding this scoping meeting and undertaking an environmental impact assessment in the absence of such a resolution.
7. The Nation recently purchased a 70-acre farm in Cayuga County that Chief Jacobs describes as "a place to call home where we can reestablish ourselves as Cayuga people." The Nation is not applying for trust status for that property, which illustrates that such status is not necessary to preserve the Cayuga culture.

Instead what we see is a tribe seeking economic advantage over non-Indians with commercial and gaming enterprises in both counties.

8. Government officials virtually all agree that the innocent citizens of our counties should be held harmless, but no one has shown us how we can be held harmless if land is taken into trust for the Cayuga Nation, and unless we can be held harmless, we believe trust status should not be granted.

Thank you for considering these objections.

ATTACHMENT 9

Upstate Citizens for Equality, Inc. P.O. Box 24, Union Springs, NY 13160
315-889-7169 uce@rochester.rr.com

I'm Dick Tallcot, Chairman of the Cayuga-Seneca chapter of Upstate Citizens for Equality.

In their applications, the Cayuga say in the Treaty of Canandaigua, New York established a reservation. However, New York wasn't a party to that Treaty, never got paid for any alleged taking, and the treaty itself merely recognized prior transactions which included the 1789 Treaty in which the Cayuga ceded all their lands in clause one and were allowed a use right to the state owned sixty four thousand acres.

Their application doesn't say their purpose is for gaming, but casually says the purpose is to continue current operations and these will enable them to buy more lands. One of their casinos was next to the Union Springs High School and fire department. The other in Seneca County. They "imply" everything will continue as is without acknowledging their casinos were shut down for violating local laws.

It's obvious their ONLY purposes for trust land is to circumvent laws regarding gambling and circumvent court rulings unfavorable to them.

The Cayuga have demonstrated their ability to open, operate, and succeed in their businesses, which meets the intentions of the IRA without trust status and negates their need for such.

The Cayuga say they don't receive any town, county, or state services and therefore no impact will be felt. While electric, cable, telephone, and gas are utility companies, they've overlooked water, sewer, highways, fire control, ambulance, county sheriffs, state police, and school districts. With the exception of school districts, being they've operated their businesses as non-resident corporations, they are utilizing these.

Under jurisdiction they say the U.S. and tribe will have civil jurisdiction over ALL people and New York will have criminal jurisdiction over non-Indians where there is no federal or tribal jurisdiction under 18 USC 1166.

This only applies to gambling and excludes Class II casinos. In this act the feds have exclusive jurisdiction over criminal acts unless agreed to in a compact allowing state jurisdiction. In disputes I'm aware of, tribal officers are also federal which means the tribe has jurisdiction over non-Indians.

So reading this as courts have read acts liberally in favor of Indians, the state would relinquish all civil jurisdiction and criminal jurisdiction except at a class three casino, should the tribe allow them to have such. Even then, all New York criminal jurisdiction over Indians is excluded.

Therefore, they're requesting you nullify 25 USC sections 232 and 233, which grants New York civil and criminal jurisdiction authority on Indian lands.

So their statement of having to comply with all federal laws would be met assuming that you exclude the federal laws that apply to them.

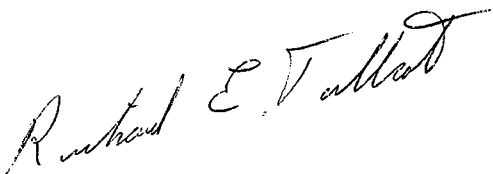
They said property inspections were done but didn't say by whom.

They said inspectors didn't locate any threatened or endangered species. I'd recommend you study the O'Brien & Gere report, which listed 45 threatened, 64 endangered, and 6 rare plant activity in the counties. I'd be very surprised not to find not one of them located on one of these properties.

All things considered, I hereby request on you deny their applications.

I'll be submitting additional testimony.

Thank You.

A handwritten signature in cursive script, reading "Richard E. Tallcot". The signature is written in dark ink and is slanted slightly to the right.

ATTACHMENT 10

Written Comment Card

Bureau of Indian Affairs – Public Scoping Meeting
Cayuga Indian Nation of New York – Trust Land Acquisition Application

March 1, 2006, 6:30 p.m. – 9:30, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

If you would like to submit a written comment please complete the following information and comment in the space provided below. Give to attendant or drop in the written comment box. Comments may also be submitted by mail to the address listed below.

(Please write legibly.)

**WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
MARCH 15TH**

Name: Russell M. Whitaker Jr Organization: UPSTATE CITIZENS FOR EQUALITY
Address: 2302 Lind. Lk Rd. Seneca Falls, NY 13148
Comment:

EXERCISE ACTIVITIES on or THROUGH TRUST LAND

Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214.

ATTACHMENT I I

Below is an excerpt from a letter to Joseph W. Scott, Director for relations with Canada from acting solicitor Richmond F. Allan dated Feb.3, 1969.

1986

DEPARTMENT OF THE INTERIOR

FEBRUARY 3, 1969

III

With regard to the immediate problem at hand, that of the protest lodged by the Mohawk Indians of the St. Regis Reservation, we cannot furnish any detailed information. The United States has had minimal contact with the Indians of New York since it granted both civil and criminal jurisdiction over Indians on Indian reservations in the State of New York to the State. The Act of July 2, 1948 (62 Stat. 1224; 25 U.S.C. 232) (criminal jurisdiction); the Act of September 13, 1950 (64 stat. 845; 25 U.S.C. 233) (civil jurisdiction). **None of the ten reservations presently located within the State, including St. Regis, was created by federal treaty, statute or executive order.** The State of New York furnishes virtually all governmental services to New York Indians.

We stand ready to assist in this matter in any way possible, and would be pleased to participate in a meeting with other concerned agencies.

RICHMOND F.

ALLAN,

Acting

Solicitor.

Enclosure

GARY PADULA

PRESIDENT OF AMERICAN CITIZENS ASSOC.

MEMBER OF HCE OF CENTRAL N.Y.

MEMBER OF CENTRAL N.Y. FAIR BUSINESS ASSOCIATION

ATTACHMENT 12

GOOD EVENING LADIES AND GENTLEMEN. MY NAME IS MARTY HILBURGER AND I AM A RESIDENT OF SENECA COUNTY. I AM EMPLOYED BY THE CAYUGA NATION AS THE MANAGER OF LAKESIDE TRADING IN UNION SPRINGS.



I'M HERE TONIGHT TO SPEAK TO YOU ABOUT THE CAYUGA NATION'S TWO LAKESIDE TRADING CONVENIENCE STORE/GAS STATIONS IN SENECA FALLS AND UNION SPRINGS.

THESE STORES EMPLOY OVER 35 PEOPLE. 35 PEOPLE WHO PAY TAXES AND SPEND THEIR PAYCHECKS IN THIS AREA. THEY ARE YOUR NEIGHBORS AND FRIENDS. THEY ARE ABLE TO SUPPORT THEIR FAMILIES AS A RESULT OF THEIR JOBS AT LAKESIDE TRADING. THEY WORK HARD EVERY DAY FOR AN EMPLOYER WHO PROVIDES THEM A GOOD WAGE, BENEFITS AND A GOOD WORK ENVIRONMENT. THIS TAKES PLACE IN AN AREA WHERE GOOD JOBS ARE NOT PLENTIFUL.

THE LAKESIDE TRADING STORES SEE OVER 2,500 CUSTOMERS EACH DAY. THESE ARE RESIDENTS OF THIS COMMUNITY WHO ARE INTERESTED IN PATRONIZING OUR BUSINESSES. THEY LIKE OUR PRODUCT, THEY LIKE OUR SERVICE AND THEY LIKE OUR PRICE.

BOTH PROPERTIES, EACH A CONVENIENCE STORE AND GAS STATION PRIOR TO THE CAYUGA NATION HAVING PURCHASED THEM ARE BETTER OFF AS A RESULT. THEY EMPLOY MORE PEOPLE, ARE BETTER MAINTAINED, ATTRACT MORE CUSTOMERS, ARE SAFER AND IN GENERAL ARE OF MORE VALUE TO THE COMMUNITY.

IN THEIR THREE YEARS OF OPERATION THERE HAVE BEEN NO INCIDENTS. THE COMMUNITIES IN WHICH WE DO BUSINESS HAVE NOT BEEN NEGATIVELY IMPACTED BY OUR PRESENCE.

WE HAVE NOT CREATED PROBLEMS, ONLY JOBS, VALUE, AN IMPROVED PHYSICAL PRESENCE, AND A MUCH NEEDED ADDITIONAL REASON FOR PEOPLE TO TRAVEL TO THIS AREA.

I ASK THAT YOU CONSIDER THESE POSITIVE IMPACTS CREATED BY THE CAYUGA NATION'S PRESENCE IN THIS REGION.

ATTACHMENT 13

January 26, 2006

To: Mr Frank Keel
Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville Tenn. 37214

From Harry Pettingill Jr.
Historian
2157 Rt. 89
Seneca Falls. N.Y. 13148

RE DEIS SCOPING COMMENTS
CAYUGA INDIAN NATION OF NEW YORK ACQUISITION PROJECT.

Members of the BIA.

I am Harry Pettingill Jr. A historian with over 30 years experience. ~~I became involved with the Cayugas land claim, when recorded history records proved the Cayugas claims were completely wrong.~~

One of the reasons given by the Supreme Court to obtain a fee to trust, was that the Cayugas would have to prove their need for additional land. The Cayugas have already stated their need for additional land. One: To return to their original homeland, the Cayuga Lake region. Two: That they havn't any reservation for their tribe. Recorded history proves both reasons wrong.

From the history book, "League of the Iroquios" by Lewis Morgan of which Seneca Chief, Eli Parker was the historian. It was the work of Eli Parker that this book is the bible on the source of the homeland of the Cayugas.

In every tribe was an Indian historian, whose job was to remember the tribes past history. From these many, many historian, wampum belts, artifacts etc. Eli Parker proved that ONE TRIBE AT MONTREAL CANADA of many, many Iroquios tribes in NYS and Canada was the original homeland of the Five Nations of which THE CAYUGAS WERE A PART. This recorded fact negates the Cayugas claim that the Cayuga Lake region was their original homeland. THEREFORE, THEIR CLAIM OF THE CAYUGAS LAKE REGION BEING THEIR HOMELAND CANNOT BE USED IN A FEE TO TRUST ACQUISITION. It has been so recorded by Chief Eli Parker.

~~ON THE CAYUGAS HAVING NO RESERVATION:~~

The Cayugas have had a legal certified reservation on the Grand River Reservation in Canada and only 40 miles west of Buffalo since 1784, When a portion was granted to the Cayugas and other tribes for fighting on the side of the British in the Revolutionary War. This was granted five years before the 1789 treaty reservation.

TO PAGE II.

This is where the original Cayuga Tribe lived under Fish Carrier in 1784 and their tribal ancestors still live today. THIS NEGATES THE CAYUGAS CLAIM OF NO RESERVATION. THEREFORE, IT CANNOT BE USED IN FEE TO TRUST ACQUISITION. ~~History records prove this fact.~~

When the new BIA building is named in honor of Eli Parker. YOU must also honor his recorded history. That Montreal is the original homeland of the Cayugas and that they have a resevation today, where Chief Fish Carrier and his tribes ancestors have lived for 231 years. They have a reservation.

History is the key. *These facts have a very significant impact*
Knowledge is the correction.

.Honesty and integrity. is the answers. *in the E/S, ~~both facts~~*

Harry Pettingill Jr.

Harry Pettingill Jr.

*for it disputed
all forms albinos
of the subject
3 total*

ATTACHMENT 14

You can't turn on a TV, or radio, or open a newspaper without being inundated about the fact that the Arabs want to buy into the United States' seaport system. I would dare say that the majority of the people in this room are against this deal. But guess what—the Labor Department can walk into any U.S. port and make sure labor laws are enforced. OSHA can inspect equipment for compliance, the Health Department can check sanitary conditions, and in the case of the state of New York, that no one is smoking. The Fire Department can enforce all fire codes, and even Homeland Security can do what they do. But yet, some of these same people who are against the Arabs owning port access see nothing wrong with ^{checker-boarding} ~~poek-marking~~ New York state and the Nation with fiefdoms governed only by whatever law that tribe chooses.

Now these people say that this is different: that, *they*, the Tribes, were here before us. Well, I ask, "Who is *us*?" I say that "us" must be the United States of America because before the United States of America, there was no "us."

Now a lot of us in this room had ancestors standing on this continent before there was a “United States of America.” Does that mean *we* can claim land as *sovereign* and do as *we* please?

Well, ^{Chris Haight says} ~~others may say~~ that the Indians have a special bond with the land of their birth; but this is the land of my birth also! I’m farming the same land my father and my grandfather farmed, and *my* bond is as strong, if not stronger than any 200-year old claim.

Listen—we all know that the land-in-trust issue is for the construction of casinos—no big surprise there. The Americans who are working *or want to work* at these establishments say that there are no jobs in New York that pay as well. They may have a point. But, in my opinion, using gambling as a foundation for any state’s economy is foolish. And, if we were going down that road, it would be better to legalize gambling for all, and level the playing field.

This country has enough problems externally, from the rest of the world—be it economically, religiously, security, or any number of other threats, that the idea of allowing separate nations within *our United States of America* is just plain suicidal.

Now, if nothing I have said so far gets across to the politicians and other government officials here, ^{and in Washington} let me speak to your own sense of self-preservation. You are public employees. Now I know politicians are especially fond of saying they are *public servants*, but make no mistake about it, from the President down to dog catcher, you are all public employees—and paid damned well, both in salary and in benefits. *Public servants* are people like volunteer firemen and others, who give of themselves for organizations like Boy Scouts and Girl Scouts, ^{and others the like} for the good of the community.

This state is littered with communities that are financially and morally bankrupt. We've lost population and will most assuredly lose Congressional representation. Every public employee is supported by taxes and taxpayers ^{not sovereign nations}—something *you* should all remember. And trying to make deals with any entity, be it an Indian tribe or a mall developer, for payments in lieu of taxes, is a good way to further bankrupt New York State.

So, do the jobs the taxpayers of New York State and the United States are paying you to do—put the United States of America *first!*

Do not allow this land to be put into trust!

ATTACHMENT 15

3/1/06 Cayuga Hearing Meeting

IT JUST ISN'T GOOD ENOUGH ANY MORE

Good Evening, I am Judith Bachmann and am here as the vice chair of Citizens Equal Rights Alliance, a, grass roots volunteer organization dedicated to equal protection under the law with members in 22 states. Tonight we are here to address the EIS procedure and the creation of federal territory through the "taking" of New York Land. Make no mistake you may call it whatever you would like but this fee to trust process is a "taking". New York is a pre-emptive sovereign state with NO^{surplus} reserved federal public domain land. The BIA, which acts on self established regulations is an executive branch agency of the federal government with a delegated trust obligation to the Indians. That delegated obligation raises serious questions about the objectivity of the BIA within this fatally flawed EIS process and if it should continue.

The damage done to all Americans by misuse of federal power must be stopped. Thru application of bureaucratic regulations to federal statutes our government tells us that they know better than we what is good for us. In recent times the courts have decided that the federal government must be more accountable to the Individual citizen. A change has begun, slow at first starting with Montana, A-1 Strate, Atkinson Trading and then working through Village of Venetie, Nevada v Hicks, Inyo County and of course Cobell. In 2004 the courts ruled and in Cheney, Al-Rasul, Hamdi and Sosa, limited the expansive use of the executive power. Through the 2005 Sherrill decision and subsequent 2nd circuit reversal of Cayuga greater light was shed on the application of laches and "Takings". Last week SCOTUS spoke again with Chief Justice Roberts stating that a defense which simply claims a "unique"

relationship with Indian tribes is not sufficient to create preferential treatment. A slow murmur heard across this country has now become a ROAR. The United States was founded by "We the people" giving limited powers to the federal government. It is time to embrace equal protection for all citizens declared within the 14th, amendment.

The U.S. Government hides behind;

partial application of the defense of laches,
application of selective parts of treaties, and
twisted interpretation of the constitution.

When this is Combined with a cavalier attitude encompassing:

"we know what is best for you",

"because we can",

"at the discretion of the secretary",

"because it was once an aboriginal use"

plus the justification of preferential treatment by simply stating

"we have a unique situation or relationship"

it is no longer acceptable and it just isn't good enough anymore!

We the people of The United States, supported by the courts are demanding long overdue accountability of this government established of the people by the people and for the people.

Respectfully Submitted,


Judith S. Bachmann

(315) 829-3843

ATTACHMENT 16

Thank you for giving me the opportunity to speak tonight. Our ancestors began settling the communities along the shores of Cayuga Lake over two and one half centuries ago. Something else happened two and one half centuries ago: the Cayuga tribe opted to migrate to Canadian territories and settle there. They also chose to join the British and fight the American Colonists. Later, approximately 12 families associated with the tribe decided to abandon their affiliation and migrate to the northern shores of Cayuga Lake. Ultimately there was an agreement between Albany and this group as it wasn't federal land, to abandon the land they occupied for which they would be paid an annual stipend. The Cayuga Tribe was furious, as they knew back then, that those who had left the tribe, had no authority to negotiate anything. It's history, it's not pretty, but it's over.

Or is it? Defending against an illegal and ill-advised land claim, counties throughout the State have had to spend millions of tax dollars to defend something that should need no defense. Landowners have had to live under a cloud of threat and intimidation upon their property rights. We've watched various Indian tribes line the pockets of politicians and lobbyists for personal gain; while developers sought to exploit the situation in order to have a piece of a casino deal.

So, who was asleep at the wheel as this growing scandal occurred? Certainly for far too long, our State and Federal representatives. But more egregious, the Department of Interior and the Bureau of Indian Affairs. When a gas station becomes a sovereign nation, and the purchaser can order code enforcement agents off the property; refuse to pay property taxes, drive small, locally owned businesses into bankruptcy, and defy a legislative mandate to collect sales tax; it's time to see the paperwork. Was

there a thorough and unbiased review of this claim? Was the process of granting sovereignty to this gas station thoroughly adhered to?

Thankfully the little town of Sherill, NY got it out of the political sludge and greed; and took it to the U.S. Supreme Court. And their ruling has once again rung the liberty bell across America. Having lost in the courts, there is now an attempt to have the land put in trust, a precursor to sovereignty.

I understand that you have already held hearings in Oneida. A multi-million dollar casino....the Oneida's would pay property taxes and sales tax. Sounds pretty good. Here's the small print: they'll do that on a hundred acres....the casino, hotels, shops, restaurants, golf course... won't occupy the 100 acres...they'll be tax exempt. I hope you took the time to tour the area surrounding the Turning Stone Casino. There's no new private investment; no locally-owned businesses anymore...they can't compete. What was once a vital community now grows impoverished and desolate.

The many lakes in this region are our most precious resource—the life blood of our local economies. I ask that you not be a willing accomplice to this land grab, which would ultimately destroy us.

It's time to end the scandal. It's time to end a policy of divisiveness. And, above all, it is time to end the archaic and failed social remedy called reservations. It's the 21st Century; and we are one land and one people. Thank you.

Cindy Schlegel

2143 Pumphouse Rd.

Seneca Falls, New York 13148

315-568-9575

ATTACHMENT 17



New York Farm Bureau * 159 Wolf Road, PO Box 5330 * Albany, NY 12205 * (518) 436-8495 Fax: (518) 431-5656

**Input from New York Farm Bureau regarding the Environmental Impact Statement for the Cayuga Indian Nation of New York application for placing land in trust.
March 1, 2006**

Good Evening, my name is Kristin Cox. I am a dairy farmer from Cato, NY and serve as the President of the Cayuga County Farm Bureau.

I am here tonight representing 512 member families in Cayuga County as well as the 33,000 member families of our state-wide organization, New York Farm Bureau. I appreciate the opportunity to provide comments on the EIS for the Cayuga Indian Nation's application for Fee-to-trust transfer of land. Agriculture is a major land use in the areas that would be impacted by acceptance of the Cayuga's fee-to-trust application. We are very concerned about the impact that such an action would have on surrounding agricultural lands and family farms. Cayuga County Farm Bureau & New York Farm Bureau are opposed to the Cayuga's application, as it is simply an attempt to avoid following local laws and regulations.

Of particular concern to our members is the impact that placing the Cayuga's land in trust will have on the revenues to local governments and schools. Because placing land in trust will decrease the tax base for local property taxes, local governments and schools will need to cut services or find other sources of revenue. This will occur, even though the trust lands will still have access to various municipal services. **Within the EIS we would appreciate an examination of:**

- **what the impact of the loss of property tax base will be on local municipalities and schools**
- **what the cost of services will be for local entities protecting and supporting land placed in trust. This examination should include potential costs of services for further development by the Cayugas of their gaming facility.**

Farm businesses, must by necessity, own large areas of land and are therefore strongly impacted by increases in property taxes. It is likely that any loss in the tax base will result in increased property taxes to other landowners. **We believe the EIS should specifically examine the financial impacts to farm businesses from increased property taxes.**

Several parcels of land that are part of the trust application have businesses that are actively run by the Cayugas. Since these businesses would not need to pay property tax or appropriate sales tax they would gain an unfair advantage in the marketplace due to

the lower tax burden and cause further financial harm to other local businesses. **The EIS should consider the impact that Cayuga run businesses will have on other local small businesses.**

Again thank you for the opportunity to provide input into this very important issue.

ATTACHMENT 18



New York Farm Bureau * 159 Wolf Road, PO Box 5330 * Albany, NY 12205 * (518) 436-8495 Fax: (518) 431-5656

**Input from New York Farm Bureau regarding the Environmental Impact Statement for the Cayuga Indian Nation of New York application for placing land in trust.
March 1, 2006**

Good Evening, my name is Ralph Lott. I am a grain farmer from Seneca Falls, NY and serve as the President of the Seneca County Farm Bureau.

I am here tonight representing 368 member families in Seneca County as well as the 33,000 member families of our state-wide organization, New York Farm Bureau. I appreciate the opportunity to provide comments on the EIS for the Cayuga Indian Nation's application for Fee-to-trust transfer of land.

New York's environmental regulations are often more stringent than those established by the EPA. These regulations serve to protect our natural resources. If the trust application is approved, the Cayugas will only need to adhere to basic EPA regulations. This again makes their businesses unfairly competitive and places surrounding citizens at risk. **It is imperative that the EIS examine the impact that lack of environmental regulation will have on competing farm operations and increased risk for environmental contamination.**

Here in New York we have already seen private property that has been damaged due to lack of environmental oversight of Indian Nation land. Facing no actual oversight by Federal agencies, the Oneida Indian Nation's construction of a golf course near a wetland destroyed farmland and inexcusably trampled property rights. **For that reason we believe the EIS should, using a realistic Federal enforcement strategy, consider the overall impact to the environment and private property of placing Cayuga lands in trust. This assessment should consider any impacts resulting from the Cayuga tribe receiving 'treatment similar to a state' from the EPA.**

Our concerns are primarily focused on jurisdiction. In the U.S. Supreme Court case *City of Sherrill v. Oneida Indian Nation of New York*, the court found that the Oneida Indian Nation land could not be claimed as sovereign because it would create a patchwork of jurisdictional authority that would adversely affect neighboring property owners. **The EIS should consider, in more depth, the adverse impacts resulting from the proposed patchwork of fee-to-trust land and how moving Cayuga land to trust status will in any way limit jurisdictional confusion. Such an evaluation should include consideration of further local lands being taken into trust for the Cayuga Nation.**

Allowing BIA to take the Cayuga land into trust is the wrong solution to this issue. It ultimately will cause harm to small businesses, residents and the environment in the local communities. It will cause tremendous confusion in land-use regulations and governmental oversight. It simply is not an equitable way to solve the problem. We believe that there are more positive, locally focused approaches, to address the concerns that caused the Cayuga application and encourage the EIS to exam these options in depth. All alternatives examined should focus on the issues mentioned in these comments, particularly the question of patchwork jurisdiction.

On behalf of Seneca County Farm Bureau and the New York Farm Bureau I urge you to oppose the Cayuga Indian Nation's Fee to Trust application.

Again thank you for the opportunity to provide input into this very important issue.

ATTACHMENT 19

GOOD EVENING LADIES AND GENTLEMEN. MY NAME IS BRIDGET HOLMES. I AM A LIFE LONG RESIDENT OF CAYUGA COUNTY AND A GRADUATE OF UNION SPRINGS HIGH SCHOOL. I HAVE REMAINED IN THIS AREA ALL THESE YEARS BECAUSE IT IS A WONDERFUL PLACE TO LIVE AND RAISE A FAMILY.

I AM CURRENTLY THE MANAGER OF ONE OF THE CAYUGA NATION'S CONVENIENCE STORE/GAS STATION, LAKESIDE TRADING, IN SENECA FALLS.

I WAS HIRED BY THE CAYUGA NATION IN MAY OF 2004 TO MANAGE THEIR LAKESIDE ENTERTAINMENT CLASS II GAMING FACILITIES IN UNION SPRINGS AND SENECA FALLS. I CONTINUED TO MANAGE THESE FACILITIES UNTIL THEY TEMPORARILY CLOSED IN OCTOBER OF THIS PAST YEAR.

I ASKED TO SPEAK TO YOU TONIGHT TO TALK ABOUT THE LAKESIDE ENTERTAINMENT BUSINESSES AND THEIR CONTRIBUTIONS TO THE COMMUNITY.

THESE TWO VERY SMALL CLASS II GAMING FACILITIES EMPLOYED OVER 20 PEOPLE. THESE 20 JOBS WERE GREAT JOBS. WAGES WERE CONSIDERABLY HIGHER THAN THOSE IN THE AREA FOR COMPARABLE WORK, BENEFITS WERE PROVIDED TO ALL EMPLOYEES, AND THE WORK ATMOSPHERE WAS EXTREMELY PLEASANT. I CAN TELL YOU FROM EXPERIENCE, THE CAYUGA NATION

IS AN EXCELLENT EMPLOYER. AS A RESULT OF THE TEMPORARY CLOSURE OF THESE BUSINESSES, 16 PEOPLE WERE LAID OFF. THESE PEOPLE, MANY OF WHOM I AM STILL IN TOUCH WITH HAVE HAD A VERY DIFFICULT TIME FINDING SIMILAR JOBS. I BELIEVE EACH AND EVERY ONE OF THEM IS ANXIOUSLY AWAITING THE DAY WHEN THEY CAN RETURN TO THEIR JOBS AT LAKESIDE ENTERTAINMENT.

I CAN ALSO TELL YOU, WITHOUT EXAGGERATION, THAT EVERY WEEK, AND AS RECENTLY AS YESTERDAY, WE RECEIVE TELEPHONE CALLS FROM OUR CUSTOMERS ASKING WHEN WE ARE GOING TO REOPEN. THEY TELL OF HOW THEY MISS OUR FACILITIES. THEY MISS OUR EMPLOYEES, WITH WHO THEY HAD BECOME FRIENDS. THEY MISS THE ABILITY TO HAVE SOMEWHERE FUN TO GO DURING THIS COLD WINTER.

ONE WOMAN'S HUSBAND IS AN AVID FISHERMAN AND ICE FISHERMAN. HE DROPEED HER OFF AT ONE OF OUR FACILITIES EVERY TIME HE WENT FISHING AND PICKED HER UP WHEN HE WAS DONE. SHE'S NOW SITTING HOME INSTEAD. ANOTHER CUSTOMER WAS HOPING TO SPEND HER BIRTHDAY WITH US AT LAKESIDE ENTERTAINMENT. THE STORIES GO ON AND ON.

LAKESIDE ENTERTAINMENT PROVIDED AN ENTERTAINMENT ALTERNATIVE TO NOT ONLY THE RESIDENTS OF SENECA AND CAYUGA COUNTY, BUT TO THE MANY PEOPLE WE DREW TO THIS AREA FROM OUTSIDE OF THE COUNTIES. ONE THAT HAS BEEN TEMPORARILY LOST.

I ASK THAT YOU CONSIDER THE POSITIVE IMPACTS THE CAYUGA NATION HAS AND WILL CONTINUE TO HAVE ON THIS REGION. I ASK THAT YOU CONSIDER THE WELFARE OF LAKESIDE ENTERTAINMENT'S EMPLOYEES AND THEIR ABILITY TO SUPPORT THEIR FAMILIES. I ASK THAT YOU CONSIDER THE WELL BEING OF THIS AREA AND THE CAYUGA NATION'S ABILITY TO ATTRACT PEOPLE TO AN AREA IN NEED OF ECONOMIC ACTIVITY.

THANK YOU FOR YOUR TIME.

ATTACHMENT 20

Submitted by C. Hayden ✓
6569 S. R. 90 North
Cayuga, NY 13034

American Indian Residents in the Land Claim area in 2000

2000 Census			
County	Town ¹	Total Population	American Indian Population
Cayuga	Aurelius	2936	4
	Springport	2256	3
	Ledyard	1832	13
Seneca	Seneca Falls	9347	21
	Fayette	3643	10
	totals	20014	51
		percentage of population	1/4 of 1% or 1 person of every 400

Source: <http://factfinder.census.gov>
Prepared: March 1, 2006

¹ Only portions of these townships are in the Cayuga Indian Reservation land claim. Therefore not every American Indian listed above may live within the boundaries of the land claim.

ATTACHMENT 21

SPEAKER SIGN-IN SHEET

Each speaker will be allowed 3 minutes

WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
MARCH 15TH

Bureau of Indian Affairs – Public Scoping Meeting
Cayuga Indian Nation of New York – Trust Land Acquisition Application

March 1, 2006, 6:30 p.m. – 9:30, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

W

HALLIDAY

PA-LARA

MARY HILBURN

Printed Name	Signature	
PETER SAME	<i>[Signature]</i>	x
BRAD JONES	<i>[Signature]</i>	x
Gerald Macaluso	<i>[Signature]</i>	x
DAVID DRESSER	<i>[Signature]</i>	x
Roberta Halden	<i>[Signature]</i>	x
Richard Tallcot	<i>[Signature]</i>	x
RUSSELL M. WHEELER JR	<i>[Signature]</i>	x
GARY PADULA	<i>[Signature]</i>	x
Chris Puylara	<i>[Signature]</i>	x
VERA Dellonte	<i>[Signature]</i>	x
KICH RICCI	<i>[Signature]</i>	x
FRED SWICK	<i>[Signature]</i>	x
Ernie Olson	<i>[Signature]</i>	x
Harry Dellington	<i>[Signature]</i>	x
Darren Carter	<i>[Signature]</i>	x
HARRY ENO	<i>[Signature]</i>	x
Judith Bachmann	<i>[Signature]</i>	x
Kristin Cox	<i>[Signature]</i>	x
Ralph Lott	<i>[Signature]</i>	x
Cindy Schlegel	<i>[Signature]</i>	x
Bridget Holmes	<i>[Signature]</i>	x
Edward Ide	<i>[Signature]</i>	x
NORMA Mitchell	<i>[Signature]</i>	x
MARY Gratton	<i>[Signature]</i>	x
VINCENT Lalli	<i>[Signature]</i>	x
Mel Russo	<i>[Signature]</i>	x
William Shuster	<i>[Signature]</i>	x

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Printed Name

Signature

PETER C. SHUSTER

X

JOHN SAELI

X

Charles "Ford" Knight

X

Pan Babbitt

X

Lucinda Mcweeney 4315 RT 89 Seneca Falls

X

Chad Hayden

X

Ros Parks 3082 RT 089, Seneca Falls, NY

X

RICHARD KIDDER

X

Blank lined area for additional sign-ins.